VOL. 67 – NO. 30 JULY 17, 2020

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-331, Connected Transportation Network Emergency Act of 2020 to require the District Department of Transportation to create a network of safe traveling spaces for DC residents to cycle or walk during the public health emergency
- D.C. Council enacts Act 23-334, Coronavirus Support Temporary Amendment Act of 2020 to provide continued support for District residents and businesses during the current public health emergency
- D.C. Council passes Resolution 23-454 to extend the Mayor's authority to declare a public health emergency through October 9, 2020
- D.C. Council passes Resolution 23-462 to provide support grants to eligible businesses during the public health emergency
- Department of Energy and Environment schedules a public hearing on the Fiscal Year 2021 Low Income Home Energy Assistance Program (LIHEAP) Draft State Plan
- Department of Health authorizes the Board of Dentistry to certify dentists and dental facilities to administer sedation and general anesthesia
- Office of the Deputy Mayor for Planning and Economic Development and Department of Housing and Community Development publish the Inclusionary Zoning Program 2020 Maximum Income, Rent and Purchase Price Schedule
- D.C. Water and Sewer Authority allows customers additional time to initiate a challenge to charges in their bill

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA
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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2020

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

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

Sec. 2. Section 316 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.16), is amended as follows:

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

"(a) As used in this section, the term:

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

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

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

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

"(5) "Perfected claim" means a claim that contains all the required information and proof for which all requirements of this section and any other applicable law or regulation are satisfied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Subsection (f) is repealed.

Sec. 3. Applicability.

This act shall apply as of May 27, 2020.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 7,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2020

To approve, on an emergency basis, Contract No. DCAM-19-AE-0064 between the Department of General Services and DLR Group of DC, P.C., and to authorize payment to DLR Group of DC, P.C. for goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-19-AE-0064 with DLR Group of DC, P.C. Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-19-AE-0064 between the Department of General Services and DLR Group of DC, P.C. for architectural engineering services for the Therapeutic Recreation Center and authorizes payment in the not-to-exceed amount of $2,196,239 for goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 6, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 7,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2020

To require, on an emergency basis, that the District Department of Transportation publish a report identifying modifications to roadways in each ward that will create space for uses other than for motorized vehicles and to set a timeline for implementation.

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

Sec. 2. Connected transportation network.

(a) Within 28 days after the effective date of this act, the District Department of Transportation ("DDOT") shall publish a report identifying modifications to at least 20 miles of streets in the District, including streets in all 8 wards, that will allow, in the roadway, uses other than for motorized vehicles, such as for bicycles. The streets identified pursuant to this subsection shall, to the greatest extent possible, be connected to each other, creating a network of lanes or safe traveling spaces.

(b) The modifications identified pursuant to subsection (a) of this section shall be one of, or a combination of, the following:

(1) Closure of a street to through traffic;

(2) Creation of a protected bicycle lane; or

(3) Reduction of travel lanes to expand public space.

(c)(1) By September 1, 2020, DDOT shall implement at least 20 miles of the modifications identified in the report required by subsection (a) of this section; except, that no modifications shall be implemented in Ward 8.

(2) By October 15, 2020, DDOT shall amend the report required by subsection (a) of this section, to include at least 5 additional miles of modifications.

(3) By November 1, 2020, DDOT shall have implemented at least another 5 miles of modifications identified in the report required by subsection (a) of this section; except, that no modifications shall be implemented in Ward 8.

(d) Modifications made pursuant to this section shall remain in place until at least 270 days following the expiration of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-

ENROLLED ORIGINAL

194; D.C. Official Code § 7-2304.01), or at such time as the Mayor declares the District to be in phase 4 of reopening as described in the ReOpen DC Advisory Group Recommendations to the Mayor, whichever is later.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-332

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2020

To amend, on an emergency basis, the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 and certain other laws to clarify provisions relating to tenant payment plans, commercial rent increases during a public health emergency, small business microgrant eligibility, grants for promoting coronavirus awareness, rules for serving alcohol on expanded outdoor restaurant seating, and COVID-19 leave; and to provide provisions related to emergency credit alerts, living wills, approval of a contract under Council review, and the designation of the Black Lives Matter plaza.

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

Sec. 2. The Coronavirus Support Congressional Review Emergency Amendment Act of 2020, effective June 8, 2020 (D.C. Act 23-328; 67 DCR ___), is amended as follows:

(a) Section 205(d) (D.C. Official Code § 48-641(d)) is amended by striking the phrase "food delivery platform as a term of a contract or agreement between the platform and the restaurant in connection with the restaurant's use of the platform" and inserting the phrase "food delivery platform" in its place.

(b) Section 402 (D.C. Official Code § 42-3281) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "gross rent that comes due during" and inserting the phrase "gross rent and any other amounts that come due under the lease during" in its place.

(B) Paragraph (4) is amended by striking the phrase "due to a default on the monetary amounts due during the lease period; provided, that the tenant does not default on the terms of" and inserting the phrase "by entering into" in its place.

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

"(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make rental payments established prior to the start of the public health emergency; and".

(3) Subsection (h)(1) is amended to read as follows:

"(1) "Eligible tenant" means a tenant that:

"(A) Has notified a provider of an inability to pay all or a portion of the rent due as a result of the public health emergency;

"(B) Is not a franchisee unless the franchise is owned by a District resident; and

"(C) Has leased from a provider:

"(i) A residential property;

"(ii) Commercial retail space; or

"(iii) Commercial space that is less than 6,500 square feet in size and that comprises all or part of a commercial building.".

(c) Section 406(b) (D.C. Official Code § 42-3202.01(b)) is amended to read as follows:

"(b)(1) Notwithstanding any other provision of law, a rent increase for a commercial property shall be prohibited during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

"(2) For the purposes of this subsection, the term "commercial property" means:

"(A) A commercial retail establishment; or

"(B) Leased commercial space that is less than 6,500 square feet in size and that comprises all or part of a commercial building.

"(3) Any increase of rent on a commercial property made by a landlord between March 11, 2020, and June 9, 2020, shall be null and void and any excess rent paid by a tenant shall be credited to the tenant.".

Sec. 3. Section 2316(e)(2) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective June 8, 2020 (D.C. Act 23-328; D.C. Official Code § 2-218.16(e)(2)), is amended to read as follows:

"(2) "Eligible small business" means a business enterprise eligible for certification under section 2332, a nonprofit entity, or an independent contractor or self-employed individual determined ineligible for unemployment insurance by the Director of the Department of Employment Services, unless the independent contractor or self-employed individual is eligible for and receiving unemployment insurance benefits unrelated to their self-employment or independent contractor work, and is otherwise eligible for a grant pursuant to this subsection.".

Sec. 4. The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended by adding a new section 5b to read as follows:

"Sec. 5b. Public health emergency response grants.

"(a) Upon the Mayor's declaration of a public health emergency pursuant to section 5a, and for a period not exceeding 90 days after the end of the public health emergency, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor's sole discretion, issue a grant or loan to a program or organization to assist the District in responding to the public health emergency, including a grant or loan for the purpose of:

"(1) Increasing awareness and participation in disease investigation and contact tracing;

"(2) Purchasing and distributing personal protective equipment;

"(3) Promoting and facilitating social distancing measures;

"(4) Providing public health awareness outreach; or

"(5) Assisting residents with obtaining disease testing, contacting health care providers, and obtaining medical services.

"(b) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of issuing or administering grants on behalf of the Mayor in accordance with the requirements of this section.

"(c)(1) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this section, shall maintain a list of all grants and loans awarded pursuant to this section with respect to each public health emergency for which grants or loans are issued. The list shall identify, for each award, the grant or loan recipient, the date of award, the intended use of the award, and the award amount.

"(2) The Mayor shall publish the list online no later than 60 days after the first grant or loan is issued under this section with respect to a specific public health emergency and shall publish an updated list online within 30 days after each additional grant or loan, if any, is issued with respect to the specific public health emergency.

"(d) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue rules to implement the provisions of this section.".

Sec. 5. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-113(a) is amended by adding a new paragraph (6) to read as follows:

"(6)(A) An on-premises retailer's licensee, class C/R, C/T, D/R, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer's licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center

food and alcohol business may register with the Board at no cost to sell, serve, and permit the consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license. Board approval shall not be required to register; provided that the licensee:

"(i) Registers with the Board and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;

"(ii) Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and

"(iii) Agrees to follow all applicable DCRA, DOH, and DDOT laws and regulations and Mayor's Orders.

"(B) An on-premises retailer's licensee, class C or D, or a manufacturer's licensee, class A or B, with an on-site sales and consumption permit or a Convention Center food and alcohol business that has registered with the Board to sell, serve, and permit the consumption of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its existing license in accordance with subparagraph (A) of this paragraph shall:

"(i) Place tables on the outdoor public or private space serving separate parties at least 6 feet apart from one another;

"(ii) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;

"(iii) Prohibit events and activities that would require patrons to cluster or be in close contact with one another, including dancing, playing darts, video games, or other outdoor games;

"(iv) Prohibit patrons from bringing their own alcoholic beverages;

"(v) Prohibit self-service buffets;

"(vi) Have a menu in use containing a minimum of 3 prepared food items available for purchase by patrons;

"(vii) Require the purchase of one or more prepared food items per table;

"(viii) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the Department of Health;

"(ix) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District's zoning regulations;

"(x) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 8:00 a.m. and midnight, Sunday through Saturday;

"(xi) Not have more than 6 individuals seated at a table or a joined table during Phase One of Washington D.C.'s reopening, as that term is utilized in Mayor's Order 2020-067, issued on May 27, 2020;

"(xii) Require patrons to wait outside at least 6 feet apart until they are ready to be seated;

"(xiii) Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;

"(xiv) Not serve alcoholic beverages or food to standing patrons;

"(xv) Prohibit standing or seating at an outdoor bar provided tables or counter seats that do not line up to a bar may be used for patron seating as long as there is a minimum of 6 feet between parties;

"(xvi) Prohibit the placement of alcohol advertising, excluding non-contact menus, on outdoor public space;

"(xvii) Provide and require that wait staff wear masks;

"(xviii) Request that patrons wear masks while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;

"(xix) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by the Department of Health;

"(xx) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and

"(xxi) Have its own clearly delineated outdoor space and not share tables and chairs with another business.

"(C) Registration under subparagraph (A) of this paragraph shall be valid until October 25, 2020. The Board may fine, suspend, or revoke an on-premises retailer's licensee, class C or D, or a manufacturer's licensee, class A or B, with an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.

"(D)(i) Notwithstanding subparagraph (B) of this paragraph, the Board shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés or summer gardens.

"(ii) The Board shall not interpret settlement-agreement language that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this paragraph.

"(iii) The Board shall not interpret settlement-agreement language that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the temporary operation of sidewalk cafés or summer gardens.

"(iv) The Board shall require all on-premises retailer licensees, class C or D, or manufacturer licensees, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by the District Department of Transportation or the property owner.

"(v) With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed 180 days.

"(E) For purposes of this paragraph, ground floor or street level sidewalk cafés or summer gardens enclosed by awnings or tents having no more than one side shall be considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level shall not be eligible for registration under subparagraph (A) of this paragraph.

"(F) A manufacturer's licensee, class A or B, with an on-site sales and consumption permit or a retailer's licensee class C/T, D/T, C/N, D/N, C/X, or D/X, may partner with a food vendor during its operating hours to satisfy the requirement of subparagraph (B)(vi) of this paragraph; provided, that patrons are seated when ordering and ordered food is delivered by the licensee or the food vendor to the seated patron.".

(b) Section 25-113a is amended by adding a new subsection (c-1) to read as follows:

"(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer's licensee, class C or D, or manufacturer's licensee, class A or B, with an on-site sales and consumption permit may conduct business on ground floor or street level outdoor public or private space, including the sale, service, and consumption alcoholic beverages; provided, that the licensee complies with § 25-113(a)(6).".

Sec. 6. Section 3a of the District of Columbia Family and Medical Leave Act of 1990, effective June 8, 2020 (D.C. Act 23-328; D.C. Official Code § 32-502.01), is amended to read as follows:

"Sec. 3a. COVID-19 leave.

"(a) During the COVID-19 public health emergency, an employee shall be entitled to leave if the employee is unable to work due to:

"(1) A recommendation from a health care provider that the employee isolate or quarantine, including because the employee or an individual with whom the employee shares a household is at high risk for serious illness from COVID-19;

"(2) A need to care for a family member or an individual with whom the employee shares a household who is under a government or health care provider's order to quarantine or isolate; or

"(3) A need to care for a child whose school or place of care is closed or whose childcare provider is unavailable to the employee.

"(b)(1) An employee may use no more than 16 weeks of leave pursuant to this section during the COVID-19 public health emergency.

"(2) The right to leave pursuant to this section expires on the date the COVID-19 public health emergency expires.

"(c) An employer may require reasonable certification of the need for COVID-19 leave as follows:

"(1) If the leave is necessitated by the recommendation of a health care provider to the employee, a written, dated statement from a health care provider stating that the employee has such need and the probable duration of the need for leave.

"(2) If the leave is necessitated by the recommendation of a health care provider to an employee's family member or individual with whom the employee shares a household, a written, dated statement from a health care provider stating that the individual has such need and the probable duration of the condition.

"(3) If the leave is needed because a school, place of care, or childcare provider is unavailable, a statement by the head of the agency, company, or childcare provider stating such closure or unavailability, which may include a printed statement obtained from the institution's website.

"(d) Notwithstanding section 17, this section shall apply to any employer regardless of the number of persons in the District that the employer employs.

"(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, leave under this section may consist of unpaid leave.

"(2) Any paid leave provided by an employer that the employee elects to use for leave under this section shall count against the 16 workweeks of allowable leave provided in this section.

"(3) If an employer has a program that allows an employee to use the paid leave of another employee under certain conditions and the conditions have been met, the employee may use the paid leave and the leave shall count against the 16 workweeks of leave provided in this section.

"(4) An employee shall not be required, but may elect, to use leave provided under this section before other leave to which the employee is entitled under federal or District law or an employer's policies, unless otherwise barred by District or federal law.

"(f) The provisions of section 6 shall apply to an employee who takes leave pursuant to this section.

"(g) An employer who willfully violates subsections (a) through (e) of this section shall be assessed a civil penalty of $1,000 for each offense.

"(h) The rights provided to an employee under this section may not be diminished by any collective bargaining agreement or any employment benefit program or plan; except, that this section shall not supersede any clause on family or medical leave in a collective bargaining agreement in force on the applicability date of this section for the time that the collective bargaining agreement is in effect.

"(i) For the purposes of this section, the term "COVID-19 public health emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.".

Sec. 7. Living will declaration.

The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-621 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7–621) is amended as follows:

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

"(2B) "Electronic presence" means when one or more witnesses are in a different physical location than the declarant but can observe and communicate with the declarant and one another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, to the same extent as if the witnesses and declarant were physically present with one another.

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

"(5A) "Sign" means with present intent to authenticate or adopt a record to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.".

(b) Section 3 (D.C. Official Code § 7–622) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase "Signed in the presence" and inserting the phrase "Signed in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence" in its place.

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

"(d) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), any signature required by this act may be an electronic signature.".

(c) Section 5(a)(3) (D.C. Official Code § 7–624(a)(3)) is amended by striking the phrase "in the presence of a witness" and inserting the phrase "in the presence or, during a period of

time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), electronic presence of a witness" in its place.

Sec. 8. COVID-19 Emergency credit alert.

Section 28-3871 of the District of Columbia Official Code is amended as follows:

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

"(b-1) No user of a credit report shall consider adverse information in a report that was the result of an action or inaction by a consumer that occurred during, and was directly or indirectly the result of, a public health emergency declared pursuant to § 7-2304.01 if the credit report includes a personal statement pursuant to subsection (a) of this section."

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

"(h) This section shall not be enforced until July 1, 2020.

Sec. 9. Excluded workers contract approval.

Pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. SO-20-002-0001986 with the Greater Washington Community Foundation for critically needed financial assistance to workers in the District of Columbia who have been excluded from federal stimulus efforts and are experiencing financial hardship due to the COVID-19 pandemic, for a contract term of the date of execution through September 30, 2020, in the not-to-exceed amount of $5.15 million.

Sec. 10. Black lives matter plaza designation.

Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) ("Act"), and notwithstanding section 423 of the Act (D.C. Official Code § 9-204.23), the Council symbolically designates 16th Street, N.W., between H Street, N.W., and K Street N.W., in Ward 2, as Black Lives Matter Plaza.

Sec. 11. Applicability.

This act shall apply as of June 9, 2020.

Sec. 12. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 13. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 7, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2020

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit the District of Columbia government from taking adverse employment actions against individuals for participating in a medical marijuana program; and to amend the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to do the same.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Program Patient Employment Protection Temporary Amendment Act of 2020".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended follows:

(a) Section 2051 (D.C. Official Code § 1-620.11) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b) To the extent permitted by federal law and regulations, programs and rules adopted pursuant to subsection (a) of this section shall accommodate qualifying patients, as that term is defined in section 2(19) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(19)), in compliance with title XX-E.".

(b) Section 2025 (D.C. Official Code § 1-620.25) is amended by adding a new subsection (d) to read as follows:

"(d) Notwithstanding subsection (a) of this section, the testing program established pursuant to this title shall comply with the requirements of title XX-E.".

(c) Section 2032 (D.C. Official Code § 1-620.32) is amended by adding a new subsection (g) to read as follows:

"(g) The testing program established pursuant to this title shall comply with the requirements of title XX-E.".

(d) A new title XX-E is added to read as follows:

ENROLLED ORIGINAL

"TITLE XX-E
"MEDICAL MARIJUANA PROGRAM PATIENT EMPLOYMENT PROTECTIONS.
"Sec. 2051. Definitions.
"For the purposes of this title, the term:
"(1) "Marijuana" shall have the same meaning as provided in section 102(3)(A) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02).
"(2) "Qualifying patient" shall have the same meaning as provided in section 2(19) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(19)).
"(3) "Public employer" means the District government.
"(4) "Safety sensitive position" means a position with duties that, if performed while under the influence of drugs or alcohol could lead to a lapse of attention that could cause actual, immediate, and permanent physical injury or loss of life to self or others.
"Sec. 2052. Patient protections.
"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (b) of this section, a public employer may not refuse to hire, terminate from employment, penalize, fail to promote, or otherwise take adverse employment action against an individual based upon the individual's status as a qualifying patient unless the individual used, possessed, or was impaired by marijuana at the individual's place of employment or during the hours of employment.
"(2) A qualifying patient's failure to pass a public employer-administered drug test for marijuana components or metabolites may not be used as a basis for employment-related decisions unless reasonable suspicion exists that the qualifying patient was impaired by marijuana at the qualifying patient's place of employment or during the hours of employment.
"(b) Subsection (a) of this section shall not apply to safety sensitive positions or if compliance would cause the public employer to commit a violation of a federal law, regulation, contract, or funding agreement.".

Sec. 3. Section 3 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code § 24-211.22), is amended by adding a new subsection (d) to read as follows:
"(d) The testing program established pursuant to this act shall comply with the requirements of title XX-E of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, passed on 2nd reading June 9, 2020 (Enrolled version of Bill 23-756).".

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 7,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 7, 2020

To provide, on a temporary basis, for the health, safety, and welfare of District residents and support to businesses during the current public health emergency; and for other purposes.

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

ENROLLED ORIGINAL

TITLE I. LABOR AND WORKFORCE DEVELOPMENT

Sec. 101. Wage replacement.

(a) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected employee shall be eligible for unemployment insurance in accordance with subsection (b) of this section.

(b)(1) Upon application, an affected employee shall receive unemployment insurance compensation ("UI"), which the Director of the Department of Employment Services shall administer under the Unemployment Compensation Program established pursuant to the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*).

(2) An affected employee shall be eligible for UI regardless of whether the:

(A) Employer has provided a date certain for the employee's return to work; or

(B) Employee has a reasonable expectation of continued employment with the current employer.

(3) For an affected employee, the term "most recent work" shall mean the employer for whom the individual last performed at least one day of employment as that term is defined by section 1(2)(B) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)(B)).

(c) Benefits paid pursuant to this section shall not be charged to the experience rating accounts of employers.

(d) For the purposes of this section, the term "affected employee" means an employee who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to section 9 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109), and who is determined by the Mayor to have become unemployed or partially unemployed as a result of the circumstances giving rise to the public health emergency. The term "affected employee" includes an employee who has been quarantined or isolated by the Department of Health or any other applicable District or federal agency, an employee who has self-quarantined or self-isolated in a manner consistent with the recommendations or guidance of the Department of Health, any other applicable District or federal agency, or a medical professional, or an employee of an employer that ceased or reduced operations due to an order or guidance from the Mayor or the Department of Health or a reduction in business revenue resulting from the circumstances giving rise to the public health emergency, as determined by the Mayor, all as demonstrated by reasonable documentation required by the Mayor or the Mayor's designee.

(e) For the purposes of a public health emergency, "good cause" as set forth in section 10 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-110), shall include:

(1) An employer's failure to timely comply with a written directive from the Mayor or the Department of Health in relation to public safety measures necessary to protect its employees or the public during the public health emergency; or

(2) An employer's requirements that an employee be physically present in the workplace despite the employee having:

(A) Been quarantined or isolated by the Department of Health or any other applicable District or federal agency; or

(B) Self-quarantined or self-isolated in a manner consistent with the recommendations or guidance of the Department of Health, any other applicable District or federal agency, or a medical professional.

(f) If the Mayor determines that the payment of UI under this section may not be made from the District Unemployment Fund or from the unemployment fund of another jurisdiction due to federal law or regulation, payment may be made by the Mayor from any other source of funds that is available.

(g) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the requirements of section 9(a)(4)(B) and (5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109(a)(4)(B) and (5)), shall not apply.

Sec. 102. Unemployment insurance clarification.

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

(a) Section 1(2) (D.C. Official Code § 51-101(2)) is amended by adding a new subparagraph (A-i) to read as follows:

"(A-i) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and in conformity with federal law, the Director may determine that the term "employment" as defined in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-time employment, do not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under District or federal law or pandemic emergency unemployment compensation.".

(b) Section 3(c)(2) (D.C. Official Code § 51-103(c)(2)) is amended by adding a new subparagraph (G) to read as follows:

"(G) "Federal Pandemic Unemployment Compensation ("FPUC") benefits paid to an individual filing during a period of national emergency shall not be charged to the experience rating of the eligible claimant's base period employer's accounts. Employers electing to become liable for payments in lieu of contributions shall be charged 50% of reimbursements

due as a result of FPUC benefits paid to an individual filing during a period of national emergency.".

(c) Section 8 (D.C. Official Code § 51-108) is amended as follows:

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

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

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and subject to the availability of additional moneys provided by local or federal law, the Director shall have the authority to pay such benefits as are authorized by law.".

(d) Section 9 (D.C. Official Code § 51-109) is amended as follows:

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

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

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have broad discretion to waive any eligibility requirements set forth in this act, other than the physical ability and availability requirement, when the Director considers such waiver to be in the public interest.".

Sec. 103. Shared work compensation program clarification.

The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 51-171) is amended as follows:

(1) Paragraph (4) is repealed.

(2) New paragraphs (4A) and (4B) are added to read as follows:

"(4A) "Health and retirement benefits" means employer-provided health benefits, and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which are incidents of employment in addition to the cash remuneration earned.

"(4B) "Participating employee" means an employee who voluntarily agrees to participate in an employer's shared work plan.".

(3) Paragraph (5) is amended to read as follows:

"(5) "Usual weekly hours of work" means the usual hours of work per week for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.".

(4) Paragraph (7) is amended to read as follows:

"(7) "Shared work benefits" means the unemployment benefits payable to a participating employee in an affected unit under a shared work plan, as distinguished from the unemployment benefits otherwise payable under the employment security law.".

(5) Paragraph (8) is amended to read as follows:

"(8) "Shared work plan" means a written plan to participate in the shared work unemployment compensation program approved by the Director, under which the employer requests the payment of shared work benefits to participating employees in an affected unit of the employer to avert temporary or permanent layoffs, or both.".

(b) Section 4 (D.C. Official Code § 51-173) is amended to read as follows:

"Sec. 4. Employer participation in the shared work unemployment compensation program.

"(a) Employer participation in the shared work unemployment compensation program shall be voluntary.

"(b) An employer that wishes to participate in the shared work unemployment compensation program shall submit a signed application and proposed shared work plan to the Director for approval.

"(c) The Director shall develop an application form consistent with the requirements of this section. The application and shared work plan shall require the employer to:

"(1) Identify the affected unit (or units) to be covered by the shared work plan, including:

"(A) The number of full-time or part-time employees in such unit;

"(B) The percentage of employees in the affected unit covered by the plan;

"(C) Identification of each individual employee in the affected unit by name and social security number;

"(D) The employer's unemployment tax account number, and

"(E) Any other information required by the Director to identify participating employees;

"(2) Provide a description of how employees in the affected unit will be notified of the employer's participation in the shared work unemployment compensation program if such application is approved, including how the employer will notify those employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice of the shared work plan to employees in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice.

"(3) Identify the usual weekly hours of work for employees in the affected unit and the specific percentage by which hours will be reduced during all weeks covered by the plan. A shared work plan may not reduce participating employees' usual weekly hours of work by less than 10% or more than 60%. If the plan includes any week for which the employer regularly provides no work (due to a holiday or other plant closing), then such week shall be identified in the application;

"(4) If the employer provides health and retirement benefits to any participating employee whose usual weekly hours of work are reduced under the plan, certify that such benefits will continue to be provided to participating employees under the same terms and conditions as though the usual weekly hours of work of such participating employee had not been reduced or to the same extent as employees not participating in the shared work plan. For

defined benefit retirement plans, the hours that are reduced under the shared work plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the participating employee's usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be reduced due to the reduction in the participating employee's compensation. A reduction in health and retirement benefits scheduled to occur during the duration of a shared work plan that is equally applicable to employees who are not participating in the plan and to participating employees does not violate a certification made pursuant to this paragraph;

"(5) Certify that the aggregate reduction in work hours under the shared work plan is in lieu of temporary or permanent layoffs, or both, and provide a good faith estimate of the number of employees who would be laid off in the absence of the proposed shared work plan;

"(6) Agree to:

"(A) Furnish reports to the Director relating to the proper conduct of the shared work plan;

"(B) Allow the Director or the Director's authorized representatives access to all records necessary to approve or disapprove the application for a shared work plan;

"(C) Allow the Director to monitor and evaluate the shared work plan; and

"(D) Follow any other directives the Director considers necessary for the agency to implement the shared work plan consistent with the requirements for shared work plan applications;

"(7) Certify that participation in the shared work unemployment compensation program and implementation of the shared work plan will be consistent with the employer's obligations under applicable federal and state laws;

"(8) State the duration of the proposed shared work plan, which shall not exceed 365 days from the effective date established pursuant to section 6;

"(9) Provide any additional information or certifications that the Director determines to be appropriate for purposes of the shared work unemployment compensation program, consistent with requirements issued by the United States Secretary of Labor; and

"(10) Provide written approval of the proposed shared work plan by the collective bargaining representative for any employees covered by a collective bargaining agreement who will participate in the plan.".

(c) Section 5 (D.C. Official Code § 51-174) is amended to read as follows:

"Sec. 5. Approval and disapproval of a shared work plan.

"(a)(1) The Director shall approve or disapprove an application for a shared work plan in writing within 15 calendar days of its receipt and promptly issue a notice of approval or disapproval to the employer.

"(2) A decision disapproving the shared work plan shall clearly identify the reasons for the disapproval.

"(3) A decision to disapprove a shared work plan shall be final, but the employer may submit another application for a shared work plan not earlier than 10 calendar days from the date of the disapproval.

"(b) Except as provided in subsections (c) and (d) of this section, the Director shall approve a shared work plan if the employer:

"(1) Complies with the requirements of section 4; and

"(2) Has filed all reports required to be filed under the employment security law for all past and current periods and:

"(A) Has paid all contributions and benefit cost payments; or

"(B) If the employer is a reimbursing employer, has made all payments in lieu of contributions due for all past and current periods.

"(c) Except as provided in subsection (d) of this section, the Director may not approve a shared work plan:

"(1) To provide payments to an employee if the employee is employed by the participating employer on a seasonal, temporary, or intermittent basis;

"(2) If the employer's unemployment insurance account has a negative unemployment experience rating;

"(3) If the employer's unemployment insurance account is taxed at the maximum tax rate in effect for the calendar year;

"(4) For employers who have not qualified to have a tax rate assigned based on actual experience; or

"(5) For employees who are receiving or who will receive supplemental unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any period a shared work plan is in effect.

"(d) During the effective period of a shared work plan entered into during a public health emergency, subsection (c) of this section shall not apply. During a public health emergency, the Director may not approve a shared work plan:

"(1) To provide payments to an employee if the employee is employed by the participating employer on a seasonal, temporary, or intermittent basis;

"(2) For employees who are receiving or who will receive supplemental unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any period a shared work plan is in effect; or

"(3) For employers that have reported quarterly earnings to the Director for fewer than 3 quarters at the time of the application for the shared work unemployment compensation program.

"(e) For the purposes of this section, the term "public health emergency" means the public health emergency declared in the Mayor's order dated March 11, 2020, and any extensions thereof.".

(d) Section 6 (D.C. Official Code § 51-175) is amended to read as follows:

"Sec. 6. Effective date and expiration, termination, or revocation of a shared work plan.

"(a) A shared work plan shall be effective on the date that is mutually agreed upon by the employer and the Director, which shall be specified in the notice of approval to the employer.

"(b) The duration of the plan shall be 365 days from the effective date, unless a shorter duration is requested by employer or the plan is terminated or revoked in accordance with this section.

"(c) An employer may terminate a shared work plan at any time upon written notice to the Director, participating employees, and a collective bargaining representative for the participating employees. After receipt of such notice from the employer, the Director shall issue to the employer, the appropriate collective bargaining representative, and participating employees an Acknowledgment of Voluntary Termination, which shall state the date the shared work plan terminated.

"(d) The Director may revoke a shared work plan at any time for good cause, including:

"(1) Failure to comply with the certifications and terms of the shared work plan;

"(2) Failure to comply with federal or state law;

"(3) Failure to report or request proposed modifications to the shared work plan in accordance with section 7;

"(4) Unreasonable revision of productivity standards for the affected unit;

"(5) Conduct or occurrences tending to defeat the purpose and effective operation of the shared work plan;

"(6) Change in conditions on which approval of the plan was based;

"(7) Violation of any criteria on which approval of the plan was based; or

"(8) Upon the request of an employee in the affected unit.

"(e) Upon a decision to revoke a shared work plan, the Director shall issue a written revocation order to the employer that specifies the reasons for the revocation and the date the revocation is effective. The Director shall provide a copy of the revocation order to all participating employees and their collective bargaining representative.

"(f) The Director may periodically review the operation of an employer's shared work plan to ensure compliance with its terms and applicable federal and state laws.

"(g) An employer may submit a new application for a shared work plan at any time after the expiration or termination of a shared work plan.".

(e) Section 7 (D.C. Official Code § 51-176) is amended to read as follows:

"Sec. 7. Modification of a shared work plan.

"(a) An employer may not implement a substantial modification to a shared work plan without first obtaining the written approval of the Director.

"(b)(1) An employer must report, in writing, every proposed modification of the shared work plan to the Director a least 5 calendar days before implementing the proposed modification. The Director shall review the proposed modification to determine whether the modification is substantial. If the Director determines that the proposed modification is substantial, the Director shall notify the employer of the need to request a substantial modification.

"(2) An employer may request a substantial modification to a shared work plan by filing a written request with the Director. The request shall identify the specific provisions of the shared work plan to be modified and provide an explanation of why the proposed modification is consistent with and supports the purposes of the shared work plan. A modification may not extend the expiration date of the shared work plan.

"(c)(1) At the Director's discretion, an employer's request for a substantial modification of a shared work plan may be approved if:

"(A) Conditions have changed since the plan was approved; and

"(B) The Director determines that the proposed modification is consistent with and supports the purposes of the approved plan.

"(2) The Director shall approve or disapprove a request for substantial modification, in writing, within 15 calendar days of receiving the request and promptly shall communicate the decision to the employer. If the request is approved, the notice of approval shall contain the effective date of the modification.".

(f) Section 8 (D.C. Official Code § 51-177) is amended to read as follows:

"Sec. 8. Employee eligibility for shared work benefits.

"(a) A participating employee is eligible to receive shared work benefits with respect to any week only if the individual is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation, and:

"(1) With respect to the week for which shared work benefits are claimed, the participating employee was covered by a shared work plan that was approved prior to that week;

"(2) Notwithstanding any other provision of the employment security law relating to availability for work and actively seeking work, the participating employee was available for the individual's usual hours of work with the shared work employer, which may include availability to participate in training to enhance job skills approved by the Director, such as employer-sponsored training or training funded under the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

"(3) Notwithstanding any other provision of law, a participating employee is deemed unemployed for the purposes of determining eligibility to receive unemployment compensation benefits in any week during the duration of such plan if the individual's remuneration as an employee in an affected unit is reduced under the terms of the plan.

"(b) A participating employee may be eligible for shared work benefits or unemployment compensation, as appropriate, except that no participating employee may be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation, nor shall a participating employee be paid shared work benefits for more than 52 weeks under a shared work plan or in an amount more than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

"(c) The shared work benefit paid to a participating employee shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

"(d) Provisions applicable to unemployment compensation claimants under the employment security law shall apply to participating employees to the extent that they are not inconsistent with this act. A participating employee who files an initial claim for shared work benefits shall receive a monetary determination whether the individual is eligible to receive benefits.

"(e) A participating employee who has received all of the shared work benefits or combined unemployment compensation and shared work benefits available in a benefit year shall

be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51–107(g)(1)(H)) ("Act"), for purposes of eligibility to receive extended benefits pursuant to section 7(g) of the Act (D.C. Official Code § 51–107(g)), and, if otherwise eligible under that section, shall be eligible to receive extended benefits.

"(f) Shared work benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under the employment security law, unless waived by federal or District law. Employers liable for payments in lieu of contributions shall have shared work benefits attributed to service in their employ in the same manner as unemployment compensation is attributed, unless waived by federal or District law.".

(g) Section 9 (D.C. Official Code § 51-178) is amended as follows:

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

"(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a participating employee shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the participating employee's usual weekly hours of work.

"(2) The shared work benefit for a participating employee who performs work for another employer during weeks covered by a shared work plan shall be calculated as follows:

"(A) If the combined hours of work in a week for both employers results in a reduction of less than 10% of the usual weekly hours of work the participating employee works for the shared work employer, the participating employee is not eligible for shared work benefits;

"(B) If the combined hours of work for both employers results in a reduction equal to or greater than 10% of the usual weekly hours worked for the shared work employer, the shared work benefit payable to the participating employee is determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced. A week for which benefits are paid under this subparagraph shall be reported as a week of shared work benefits.

"(C) If an individual worked the reduced percentage of the usual weekly hours of work for the shared work employer and is available for all the participating employee's usual hours of work with the shared work employer, and the participating employee did not work any hours for the other employer, either because of the lack of work with that employer or because the participating employee is excused from work with the other employer, the participating employee shall be eligible for the full value of the shared work benefit for that week.".

(2) Subsection (b) is repealed

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

"(c) A participating employee who is not provided any work during a week by the shared work employer or any other employer and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.

"(d) A participating employee who is not provided any work by the shared work employer during a week, but who works for another employer and is otherwise eligible for unemployment compensation may be paid unemployment compensation for that week subject to the disqualifying income provision and other provisions applicable to claims for regular unemployment compensation.".

Sec. 104. Family and medical leave.

The District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 32-501(1)) is amended to read as follows:

"(1) "Employee" means:

"(A) For leave provided under sections 3 or 4, any individual who has been employed by the same employer for one year without a break in service except for regular holiday, sick, or personal leave granted by the employer and has worked at least 1000 hours during the 12-month period immediately preceding the request for family or medical leave; or

"(B) For leave provided under section 3a, an individual employed by an employer for at least 30 days prior to the request for leave.".

(b) A new section 3a (to be codified at D.C. Official Code § 32-502.01) is added to read as follows:

"Sec. 3a. COVID-19 leave.

"(a) During the COVID-19 public health emergency, an employee shall be entitled to leave if the employee is unable to work due to:

"(1) A recommendation from a health care provider that the employee isolate or quarantine, including because the employee or an individual with whom the employee shares a household is at high risk for serious illness from COVID-19;

"(2) A need to care for a family member or an individual with whom the employee shares a household who is under a government or health care provider's order to quarantine or isolate; or

"(3) A need to care for a child whose school or place of care is closed or whose childcare provider is unavailable to the employee.

"(b)(1) An employee may use no more than 16 weeks of leave pursuant to this section during the COVID-19 public health emergency.

(2) The right to leave pursuant to this section expires on the date the COVID-19 public health emergency expires.

"(c) An employer may require reasonable certification of the need for COVID-19 leave as follows:

"(1) If the leave is necessitated by the recommendation of a health care provider to the employee, a written, dated statement from a health care provider stating that the employee has such need and the probable duration of the need for leave.

"(2) If the leave is necessitated by the recommendation of a health care provider to an employee's family member or individual with whom the employee shares a household, a

written, dated statement from a health care provider stating that the individual has such need and the probable duration of the condition.

"(3) If the leave is needed because a school, place of care, or childcare provider is unavailable, a statement by the head of the agency, company, or childcare provider stating such closure or unavailability, which may include a printed statement obtained from the institution's website.

"(d) Notwithstanding section 17, this section shall apply to any employer regardless of the number of persons in the District that the employer employs.

"(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, leave under this section may consist of unpaid leave.

"(2) Any paid leave provided by an employer that the employee elects to use for leave under this section shall count against the 16 workweeks of allowable leave provided in this section.

"(3) If an employer has a program that allows an employee to use the paid leave of another employee under certain conditions and the conditions have been met, the employee may use the paid leave and the leave shall count against the 16 workweeks of leave provided in this section.

"(4) An employee shall not be required, but may elect, to use leave provided under this section before other leave to which the employee is entitled under federal or District law or an employer's policies, unless barred by District or federal law.

"(f) The provisions of section 6 shall apply to an employee who takes leave pursuant to this section.

"(g) An employer who willfully violates subsections (a) through (e) of this section shall be assessed a civil penalty of $1,000 for each offense.

"(h) The rights provided to an employee under this section may not be diminished by any collective bargaining agreement or any employment benefit program or plan; except, that this section shall not supersede any clause on family or medical leave in a collective bargaining agreement in force on the applicability date of this section for the time that the collective bargaining agreement is in effect.

"(i) For the purposes of this section, the term "COVID-19 public health emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.".

Sec. 105. Paid public health emergency leave.

(a) The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

(1) Section 3(c)(1) (D.C. Official Code § 32-531.02(c)(1)) is amended by striking the phrase "Paid leave under" and inserting the phrase "Except as provided in section 3a, paid leave under" in its place.

(2) A new section 3a (to be codified at D.C. Official Code § 32-531.02a) is added to read as follows:

"Sec. 3a. Paid public health emergency leave requirement.

"(a)(1) Beginning April 10, 2020, and for the duration of the COVID-19 emergency, an employer with between 50 and 499 employees, that is not a health care provider, shall provide paid leave to an employee pursuant to this section for an absence from work due to covered reasons.

"(2) An employer shall provide paid leave to an employee in an amount sufficient to ensure that an employee who must be absent from work for covered reasons be able to remain away from work for 2 full weeks of work up to 80 hours, or, for a part-time employee, for the usual number of hours the employee works in a 2-week period.

"(3)(A) Subject to subparagraph (B) of this paragraph, an employer shall compensate an employee for leave provided pursuant to this section at the employee's regular rate of pay. In the case of an employee who does not have a regular rate of pay, the employee's rate of pay shall be determined by dividing the employee's total gross earnings, including all tips, commission, piecework, or other earnings earned on an irregular basis for the most recent 2-week period that the employee worked for the employer, by the number of hours the employee worked during that 2-week period.

"(B) In no case shall an employee's rate of pay fall below the minimum wage established by section 4(a) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Code Official Code § 32-1003(a)).

"(4) An employer shall provide paid leave under this section to any employee who commenced work for the employer at least 15 days before the request for leave.

"(b)(1) An employee may only use paid leave provided under this section concurrently with or after exhausting any other paid leave to which the employee may be entitled for covered reasons under federal or District law or an employer's policies.

"(2) If an employee elects to use paid leave provided under this section concurrently with other paid leave, the employer may reduce the monetary benefit of the paid leave provided under this section by the amount of the monetary benefit the employee will receive for paid leave taken under federal or District law or the employer's policies.

"(3) If an employee elects to use paid leave provided under this section after exhausting other paid leave, the employer may reduce the number of hours of paid leave an employee may use under this section by the number of hours of paid leave taken under federal or District law or the employer's policies.

"(c) Nothing in this section shall be construed to require an employer to provide an employee with paid leave pursuant to this section for more than 2 full weeks of work up to 80 hours. If an employee uses all of the leave available under this section and subsequently informs the employer of the employee's continued need to be absent from work, the employer shall inform the employee of any paid or unpaid leave to which the employee may be entitled pursuant to federal or District law or the employer's policies.

"(d) Before taking any other administrative action on a complaint filed pursuant to section 13, the Mayor shall promptly provide the employer with written notice of the alleged violation, in a form or manner to be determined by the Mayor, and give the employer 5 business

days to cure the alleged violation. The time to cure the violation shall run from the date the employer receives the notice.

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

"(1) "Covered reasons" means any of the reasons for which federal paid leave is available pursuant to section 5102 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195).

"(2) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

"(3) "Health care provider" means any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. The term "health care provider" includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.".

(3) Section 4 (D.C. Official Code § 32-531.03) is amended as follows:

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

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

"(b) An employer may not require an employee who seeks to use paid leave pursuant to section 3a to:

"(1) For any reason, provide more than 48 hours' notice of the need to use such leave;

"(2) In the event of an emergency, provide more than reasonable notice of the employee's need to use such leave; and

"(3) Search for or identify another employee to perform the work hours or work of the employee using paid leave.".

(4) Section 5 (D.C. Official Code § 32-531.04) is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) An employer may not require an employee who uses paid leave pursuant to section 3a to provide certification of the need to use such paid leave unless the employee uses 3 or more consecutive working days of paid leave.

"(2) When certification is required by an employer for the use of paid leave pursuant to section 3a, the employer may not require the employee to provide it until one week after the employee's return to work.

"(3) An employer that does not contribute payments toward a health insurance plan on behalf of the employee shall not require certification from the employee who uses paid leave pursuant to section 3a.".

(5) Section 6(b) (D.C. Official Code § 32-531.05(b)) is amended as follows:

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

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

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

"(3) Access and use paid leave as provided in section 3a.".

(b) Section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended by adding a new subsection (b-1) to read as follows:

"(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19 emergency, no more than $500,000 of the money in the Fund may be used for activities related to enforcement of the paid public health emergency leave requirement contained in section 3a of the Accrued Sick and Safe Leave Act of 2008, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758).

"(2) For the purposes of this subsection, "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.".

TITLE II. BUSINESS AND ECONOMIC DEVELOPMENT

Sec. 201. Small business microgrants.

The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

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

"Sec. 2316. Public health emergency grant program.".

(b) A new section 2316 is added to read as follows:

"Sec. 2316. Public health emergency grant program.

"(a)(1) Upon the Mayor's declaration of a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor's sole discretion, issue a grant or loan to an eligible small business; provided, that the eligible small business:

"(A) Submit a grant application in the form and with the information required by the Mayor; and

"(B) Demonstrate, to the satisfaction of the Mayor, financial distress caused by a reduction in business revenue due to the circumstances giving rise to or resulting from the public health emergency.

"(2) A grant issued pursuant to this section may be expended by the eligible small business for any of the following:

"(A)(i) Employee wages and benefits.

"(ii) For the purposes of this subparagraph, the term "benefits" means fringe benefits associated with employment, including health insurance;

"(B) Operating costs of the eligible small business including taxes and debt service; and

"(C) Repayment of loans obtained through the United States Small Business Administration.

"(b) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of administering the grant program and making subgrants on behalf of the Mayor in accordance with the requirements of this section.

"(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue emergency rules to implement the provisions of this section.

"(d) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this section, shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than June 1, 2020, or 5 days following the end of the COVID-19 emergency, whichever is earlier.

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

"(1) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

"(2) "Eligible small business" means a business enterprise eligible for certification under section 2332, a nonprofit entity, or an independent contractor or self-employed individual determined ineligible for unemployment insurance by the Director of the Department of Employment Services, unless the independent contractor or self-employed individual is eligible for and receiving unemployment insurance benefits unrelated to their self-employment or independent contractor work and is otherwise eligible for a grant pursuant to this subsection.".

Sec. 202. Contractor advance payment.

Section 2349 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.49), is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase "A policy" and inserting the phrase "Except as provided in subsection (a-1) of this section, a policy" in its place.

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

"(a-1) During a period of time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an agency may make advance payments to a certified contractor for purchases related to the PHE when the

payments are necessary to achieve the purposes of this subtitle and may provide an advance of more than 10% of the total value of the contract.".

Sec. 203. Certified Business Enterprise assistance.

(a) Notwithstanding the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et. seq.*) ("CBE Act"), or any other provision of District law or regulation, during the period of the COVID-19 emergency, any contract for a government-assisted project in excess of $250,000 that is unrelated to the District's response to the COVID-19 emergency but entered into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act, shall provide that:

(1) At least 50% of the dollar volume of the contract be subcontracted to small business enterprises; or

(2) If there are insufficient qualified small business enterprises to meet the requirement of paragraph (1) of this subsection, the subcontracting requirement may be satisfied by subcontracting 50% of the dollar volume ("CBE minimum expenditure") to any qualified certified business enterprises; provided, that best efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

(b)(1) For every dollar expended by a beneficiary with a resident-owned business, the beneficiary shall receive a credit for $1.10 against the CBE minimum expenditure.

(2) For every dollar expended by a beneficiary with a disadvantaged business enterprise, the beneficiary shall receive a credit for $1.25 against the CBE minimum expenditure.

(3) For every dollar expended by a beneficiary that uses a company designated as both a disadvantaged business enterprise under section 2333 of the CBE Act and as a resident-owned business under section 2302(15) of the CBE Act, the beneficiary shall receive a credit for $1.30 against the CBE minimum expenditure.

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

(1) "Beneficiary" has the same meaning as set forth in section 2302(1B) of the CBE Act (D.C. Official Code § 2-218.02(1B)).

(2) "Best efforts" means that a beneficiary is obligated to make its best attempt to accomplish the agreed-to goal, even when there is uncertainty or difficulty.

(3) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

(4) "Disadvantaged business enterprise" has the same meaning as set forth in section 2333 of the CBE Act (D.C. Official Code § 2-218.33).

(5) "Government-assisted project" has the same meaning as set forth in section 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

(6) "Longtime resident business" has the same meaning as set forth in section 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

(7) "Resident-owned business" has the same meaning as set forth in section 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

(8) "Small Business Enterprises" has the same meaning as set forth in section 2332 of the CBE Act (D.C. Official Code § 2-218.32).

(d) Contracts entered into on an emergency basis or that are made in furtherance of, or that are related to, the District's response to the COVID-19 emergency shall not be subject to the requirements of the CBE Act or the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

Sec. 204. Alcoholic beverage regulation.

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

(a) Chapter 1 is amended as follows:

(1) Section 25-112 is amended by adding a new subsection (h) to read as follows:

"(h)(1) A retailer with commercial street frontage at the Walter E. Washington Convention Center that sells food and is approved by the Washington Convention and Sports Authority to sell alcoholic beverages for on-premises consumption ("Convention Center food and alcohol business") that registers as a Convention Center food and alcohol business with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed containers to the homes of District residents, pursuant to § 25-113(a)(3)(C); provided, that such carry-out or delivery orders are accompanied by one or more prepared food items.

"(2) Board approval shall not be required for registration under this subsection.".

(2) Section 25-113(a) is amended as follows:

(A) Paragraph (3) is amended by adding new subparagraphs (C) and (D) to read as follows:

"(C)(i) An on-premises retailer's licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with the Board may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed containers to the homes of District residents; provided, that each such carry out or delivery order is accompanied by one or more prepared food items.

"(ii) Board approval shall not be required for registration under this subparagraph; except, that the licensee shall receive written authorization from ABRA prior to beginning carry out or delivery of beer, wine, or spirits pursuant to this subparagraph.

"(D)(i) An on-premises retailer's licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered with the Board under subparagraph (C) of this paragraph may register with the Board to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from one additional location other than the licensed premises. Board approval shall not be required for the additional registration under this subsection; provided, that:

"(I) The licensee separately registers with the Board and receives written authorization from ABRA prior to offering alcoholic beverages for carryout or delivery at the additional location;

"(II) The licensee, the additional location's owner, or a prior tenant at the additional location possesses a valid certificate of occupancy for the building used as the additional location, unless the additional location is located on outdoor private space;

"(III) The licensee has been legally authorized by the owner of the building or the property utilized as the additional location to utilize the space for carryout and delivery;

"(IV) The licensee agrees to follow all applicable Department of Consumer and Regulatory Affairs and Department of Health laws and regulations; and

"(V) The additional location from which the licensee intends to offer alcoholic beverages for carryout or delivery is located in a commercial or mixed-use zone as defined in the zoning regulations for the District.

"(ii) The on-premises retailer's licensee shall not offer beer, wine, or spirits for carryout and delivery on public space; except, that an additional location under this subparagraph may include a sidewalk café that has been issued a public-space permit by the District Department of Transportation.

"(iii) The on-premises retailer's licensee who has been registered to offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do so only at the additional location.

"(iv) An on-premises retailer's licensee who has been registered to offer beer, wine, or spirits for carryout or delivery from an additional location in accordance with this subparagraph may do so for no longer than 30 calendar days. The Board may approve a written request from an on-premises licensee to extend carryout or delivery alcohol sales from an additional location pursuant to this subparagraph for one additional 30 calendar-day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-premises consumption from the additional location for more than 60 calendar days unless a completed application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

"(v) The on-premises retailer's licensee may sell and deliver alcoholic beverages for carryout and delivery from an additional location in accordance with this subparagraph only between the hours of 7:00 a.m. and midnight, 7 days a week.

"(vi) The Board may fine an on-premises retailer's licensee, or suspend, cancel, or revoke an on-premises retailer's license, and shall revoke an on-premises retailer's licensee's registration to offer beer, wine, or spirits for carryout or delivery at the additional location if the licensee fails to comply with sub-subparagraphs (i)-(v) of this subparagraph.".

"(B) A new paragraph (6) is added to read as follows:

"(6)(A) An on-premises retailer's licensee, class C/R, C/T, D/R, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a

manufacturer's licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center food and alcohol business may register with the Board at no cost to sell, serve, and permit the consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license. Board approval shall not be required to register; provided that the licensee:

"(i) Registers with the Board and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;

"(ii) Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and

"(iii) Agrees to follow all applicable DCRA, DOH, and DDOT laws and regulations and Mayor's Orders.

"(B) An on-premises retailer's licensee, class C or D, or a manufacturer's licensee, class A or B, with an on-site sales and consumption permit or a Convention Center food and alcohol business that has registered with the Board to sell, serve, and permit the consumption of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its existing license in accordance with subparagraph (A) of this paragraph shall:

"(i) Place tables on the outdoor public or private space serving separate parties at least 6 feet apart from one another;

"(ii) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;

"(iii) Prohibit events and activities that would require patrons to cluster or be in close contact with one another, including dancing, playing darts, video games, or other outdoor games;

"(iv) Prohibit patrons from bringing their own alcoholic beverages;

"(v) Prohibit self-service buffets;

"(vi) Have a menu in use containing a minimum of 3 prepared food items available for purchase by patrons;

"(vii) Require the purchase of one or more prepared food items per table;

"(viii) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the Department of Health;

"(ix) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District's zoning regulations;

"(x) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 8:00 a.m. and midnight, Sunday through Saturday;

"(xi) Not have more than 6 individuals seated at a table or a joined table during Phase One of Washington D.C.'s reopening, as that term is utilized in Mayor's Order 2020-067, issued on May 27, 2020;

"(xii) Require patrons to wait outside at least 6 feet apart until they are ready to be seated;

"(xiii) Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;

"(xiv) Not serve alcoholic beverages or food to standing patrons;

"(xv) Prohibit standing or seating at an outdoor bar provided tables or counter seats that do not line up to a bar may be used for patron seating as long as there is a minimum of 6 feet between parties;

"(xvi) Prohibit the placement of alcohol advertising, excluding non-contact menus, on outdoor public space;

"(xvii) Provide and require that wait staff wear masks;

"(xviii) Request that patrons wear masks while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;

"(xix) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by the Department of Health;

"(xx) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and

"(xxi) Have its own clearly delineated outdoor space and not share tables and chairs with another business.

"(C) Registration under subparagraph (A) of this paragraph shall be valid until October 25, 2020. The Board may fine, suspend, or revoke an on-premises retailer's licensee, class C or D, or a manufacturer's licensee, class A or B, with an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.

"(D)(i) Notwithstanding subparagraph (B) of this paragraph, the Board shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés or summer gardens.

"(ii) The Board shall not interpret settlement-agreement language that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this paragraph.

"(iii) The Board shall not interpret settlement-agreement language that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the temporary operation of sidewalk cafés or summer gardens.

"(iv) The Board shall require all on-premises retailer licensees, class C or D, or manufacturer licensees, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by the District Department of Transportation or the property owner.

"(v) With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed 180 days.

"(E) For purposes of this paragraph, ground floor or street level sidewalk cafés or summer gardens enclosed by awnings or tents having no more than one side shall be considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level shall not be eligible for registration under subparagraph (A) of this paragraph.

"(F) A manufacturer's licensee, class A or B, with an on-site sales and consumption permit or a retailer's licensee class C/T, D/T, C/N, D/N, C/X, or D/X, may partner with a food vendor during its operating hours to satisfy the requirement of subparagraph (B)(vi) of this paragraph; provided, that patrons are seated when ordering and ordered food is delivered by the licensee or the food vendor to the seated patron.

"(3) Section 25-113a is amended by adding a new subsection (c-1) to read as follows:

"(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer's licensee, class C or D, or manufacturer's licensee, class A or B, with an on-site sales and consumption permit may conduct business on ground floor or street level outdoor public or private space, including the sale, service, and consumption alcoholic beverages; provided, that the licensee complies with § 25-113(a)(6).".

(b) Chapter 4 is amended as follows:

(1) Section 25-401(c) is amended by striking the phrase "shall sign a notarized statement certifying" and inserting the phrase "shall sign a statement with an original signature, which may be a signature by wet ink, an electronic signature, or a signed copy thereof, certifying" in its place.

(2) Section 25-403(a) is amended by striking the phrase "verify, by affidavit," and inserting the word "self-certify" in its place.

(3) Section 25-421(e) is amended by striking the phrase "by first-class mail, postmarked not more than 7 days after the date of submission" and inserting the phrase "by electronic mail on or before the first day of the 66-day public comment period" in its place.

(4) Section 25-423 is amended as follows:

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

(i) Strike the phrase "45-day protest period" and insert the phrase "66-day protest period" in its place.

(ii) Strike the phrase "45 days" and insert the phrase "66 days" in its place.

(B) Subsection (h) is amended by striking the phrase "45-day public comment period" and inserting the phrase "66-day public comment period "in its place.

(5) Section 25-431 is amended as follows:

(A) Subsection (f) is amended by striking the phrase "45-day protest period" and inserting the phrase "66-day protest period" in its place.

(B) Subsection (g) is amended by striking the phrase "45 days" and inserting the phrase "66 days" in its place.

(c) Section 25-791(a)(1) is amended by striking the phrase "21 or more calendar days," and inserting the phrase "21 or more calendar days, excluding each day during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01," in its place.

Sec. 205. Third-party food delivery commissions.

(a) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("public health emergency"), a person, corporation, partnership, or association operating a third-party food platform within the District shall register with the Department of Consumer and Regulatory Affairs.

(b) Notwithstanding any provision of District law, during a public health emergency, it shall be unlawful for a person to cause a third-party food delivery platform to charge a restaurant a commission fee for the use of the platform's services for delivery or pick-up that totals more than 15% of the purchase price per online order.

(c) It shall be unlawful for a person to cause a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to comply with subsection (b) of this section.

(d) During a public health emergency, at the time a final price is disclosed to a customer for the intended purchase and delivery of food from a restaurant through a third-party food delivery platform and before that transaction is completed by the customer, the third-party food delivery platform shall disclose to the customer, in plain language and in a conspicuous manner, any commission, fee, or any other monetary payment charged to the customer by the third-party food delivery platform.

(e)(1) A person who violates this section shall be subject to a fine of not less than $250 and not more than $1,000 for each such violation.

(2) A violation of this section shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

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

(1) "Online order" means an order placed by a customer through a platform provided by the third-party food delivery service for delivery or pickup within the District.

(2) "Purchase price" means the menu price of an online order, excluding taxes, gratuities, or any other fees that may make up the total cost to the customer of an online order.

(3) "Restaurant" shall have the same meaning as provided in D.C. Official Code § 25-101(43).

(4) "Third-party food delivery platform" means any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, restaurants.

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

(h) Nothing in this section limits or otherwise impacts the requirement of a third-party food delivery platform to collect and remit sales tax imposed under Chapter 20 of Title 47 of the District of Columbia Official Code.

Sec. 206. Corporate filing extension.

Section 29-102.12 of the District of Columbia Official Code is amended by adding a new subsection (e) to read as follows:

"(e) There shall be no late fee for delivering the biennial report for 2020 required by § 29-102.11(c); provided, that the biennial report for 2020 be delivered to the Mayor for filing by June 1, 2020.".

Sec. 207. Taxes and trade name renewals.

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

(a) Section 47-811(b) is amended by striking the phrase "tax year beginning July 1, 1989, and ending June 30, 1990, the amount of the first and second installments shall reflect and be consistent with the tax rates applicable to that tax year, as provided in § 47-812(b) and (c)" and inserting the phrase "tax year 2020 first installment owing for a real property that is commercially improved and occupied and is a hotel or motel, the Chief Financial Officer may waive any penalties and abate interest if the owner pays such installment by June 30, 2020; provided, that the Chief Financial Officer, through the Office of Tax and Revenue, shall issue administrative guidance on the definition of a hotel or motel" in its place.

(b) Section 47-1803.02(a)(2) is amended by adding new subparagraphs (GG), (HH), and (II) to read as follows:

"(GG) Small business loans awarded and subsequently forgiven under section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 281).

"(HH) Public health emergency small business grants awarded pursuant to section 2316 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758).

"(II) Public health emergency grants authorized pursuant to section 16(m)(1) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(m)(1)).".

(c) Section 47-1803.03(a)(14) is amended by adding a new subparagraph (H) to read as follows:

"(H) For tax years beginning after December 31, 2017, corporations, unincorporated businesses, or financial institutions shall be allowed an 80% deduction for

apportioned District of Columbia net operating loss carryover to be deducted from the net income after apportionment.".

(d) Section 47-4221 is amended by adding a new subsection (d) to read as follows:

"(d)(1) Except as provided in paragraph (2) of this subsection and notwithstanding any other provision of this title, the Chief Financial Officer may waive any penalty and abate interest that may be imposed for failure to timely pay any taxes due pursuant to Chapters 20 and 22 of this title for periods ending on February 29, 2020, or March 31, 2020; provided, that all taxes for such periods are paid in full on or before July 20, 2020.

"(2) This subsection shall not apply to hotels or motels permitted to defer real property tax under § 47-811(b).".

(e) Section 47-2855.04 is amended by adding a new subsection (c) to read as follows:

"(c) There shall be no late fee for trade name renewal applications required by rules promulgated under subsection (a) of this section to be filed by April 1, 2020; provided, that the trade name renewal application be filed by June 1, 2020.".

Sec. 208. 8th and O disposition extension.

Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (b-3) is amended by adding a new paragraph (8) to read as follows:

"(8)(A) Notwithstanding paragraph (2) of this subsection, for the disposition of the District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units shall be for housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs, whether or not the units to be constructed are rental units or ownership units.

"(B) The Land Disposition and Development Agreement in the form approved by Council pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63 DCR 1498), remains in full force and effect, including, without limitation, the Affordable Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at closing.

(b) Subsection (d-7) is amended by striking the date "February 2, 2020" and inserting the date "September 15, 2020" in its place.

TITLE III. CONSUMER PROTECTION AND REGULATION

Sec. 301. Opportunity accounts expanded use.

The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.61) is amended by adding a new paragraph (2A) to read as follows:

"(2A) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.".

(b) Section 8 (D.C. Official Code § 1-307.67) is amended as follows:

(1) Subsection (a) is amended by striking the figure "$2" and inserting the figure "$1" in its place.

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

(A) The lead-in language is amended by striking the figure "$2" and inserting the figure "$3" in its place.

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

(i) Strike the phrase "in at least the same amount" and insert the phrase "consistent with subsection (a) of this section" in its place.

(ii) Strike the phrase "; and" and insert a semicolon in its place.

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

(i) Strike the phrase "than $3,000" and insert the phrase "than $6,000" in its place;

(ii) Strike the period and insert the phrase "; and" in its place.

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

"(3) The Commissioner may waive the requirement of subsection (a) of this section and provide to an administering organization matching funds of up to $4 for every dollar the account holder deposits into the opportunity account when adequate federal or private matching funds are not available.".

(c) Section 9(a) (D.C. Official Code § 1-307.68(a)) is amended as follows:

(1) Paragraph (6) is repealed.

(2) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(9) To pay for any cost, expense, or item authorized by the Commissioner by rule issued pursuant to section 14, or by order during a declared public health emergency.".

(d) Section 10 (D.C. Official Code § 1-307.69) is amended as follows:

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

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

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

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

"(4) Making payments necessary to enable the account holder to meet necessary living expenses in the event of a sudden, unexpected loss of income.".

(2) Subsection (c) is amended by striking the phrase "An account holder" and inserting the phrase "Except during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an account holder" in its place.

(3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

"(c-1) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(2) or (3) of this section, the account holder shall withdraw only funds deposited by the account holder and shall not withdraw matching funds.

"(c-2) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(1) of this section, the account holder shall withdraw only funds deposited by the account holder and shall not withdraw matching funds, unless the withdrawal is for a medical emergency.

"(c-3) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(4) of this section, the account holder may withdraw funds deposited by the account holder and matching funds.".

(4) The lead-in language of subsection (e) is amended to read as follows:

"An account holder shall not be required to repay funds withdrawn from the opportunity account for an emergency withdrawal but shall be required to resume making deposits into the opportunity account no later than 90 days after the emergency withdrawal. If the account holder fails to make a deposit no later than 90 days after the emergency withdrawal:".

Sec. 302. Funeral services consumer protection.

(a) The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended by adding a new section 4a to read as follows:

"Sec. 4a. Funeral Bill of Rights.

For a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), there shall be established a Funeral Bill of Rights designed to inform consumers of required pricing disclosures and other available consumer rights. The Department of Consumer and Regulatory Affairs, in consultation with the Board of Funeral Directors and the Attorney General for the District of Columbia ("Attorney General"), shall write the Funeral Bill of Rights, which shall be published in the District of Columbia Register no later than May 8, 2020. If the foregoing does not occur on or before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and shall have it published in the District of Columbia Register no later than May 15, 2020.".

(b) Section 28-3904 of the District of Columbia Official Code is amended as follows:

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

(2) Subsection (kk) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(3) New subsections (ll) and (mm) are added to read as follows:

"(ll) violate any provision of 17 DCMR § 3013; or"

"(mm) violate any provision of 17 DCMR § 3117.".

(c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*) is amended as follows:

(1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

(A) The lead-in language of subparagraph (8) is amended by striking the phrase "customer, or failing to passing" and inserting the phrase "customer, failing to provide to the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the customer, or failing to pass" in its place.

(B) Subparagraph (24) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(C) Subparagraph (25) is amended by striking the period at the end and inserting a semicolon in its place.

(D) New subparagraphs (26), (27), (28), and (29) are added to read as follows:

"(26) Failing to clearly and conspicuously post a General Price List, a Casket Price List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any website maintained by the applicant or licensee;

"(27) Failing to provide to any customer a General Price List, a Casket Price List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq*);

"(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758), on any website maintained by the applicant or licensee; or

"(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758), during an initial meeting to discuss or make arrangements for the purchase of funeral goods or services.".

(2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection 3110.9 to read as follows:

"3110.9 A funeral services establishment shall keep and retain records documenting any required disclosures to consumers, including disclosure of its General Price List, Casket Price List, and Outer Burial Container Price List, and the Funeral Bill of Rights signed by the consumer, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758), after the completion or termination of a funeral contract.".

Sec. 303. Debt collection.

Section 28-3814 of the District of Columbia Official Code is amended as follows:

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

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

"(1A) "collection lawsuit" means any legal proceeding, including civil actions, statements of small claims, and supplementary process actions, commenced in any court for the purpose of collecting any debt or other past due balance owed or alleged to be owed.

"(1B) "debt" means money or its equivalent which is, or is alleged to be, more than 30 days past due and owing, unless a different period is agreed to by the debtor, under a single account as a result of a purchase, lease, or loan of goods, services, or real or personal property for personal, family, or household purposes or as a result of a loan of money that was obtained for personal, family, or household purposes whether or not the obligation has been reduced to judgment.".

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

"(4) "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to § 28-4102.".

(b) New subsections (l), (m), and (n) are added to read as follows:

"(l)(1) Notwithstanding subsection (a) of this section, subsections (l) and (m) of this section shall apply to any debt, including loans directly secured on motor vehicles or direct motor vehicle installment loans covered by Chapter 36 of Title 28.

"(2) During a public health emergency and for 60 days after its conclusion, no creditor or debt collector shall, with respect to any debt:

"(A) Initiate, file, or threaten to file any new collection lawsuit;

"(B) Initiate, threaten to initiate, or act upon any statutory remedy for the garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the payment of a debt to a creditor;

"(C) Initiate, threaten to initiate, or act upon any statutory remedy for the repossession of any vehicle; except, that creditors or debt collectors may accept collateral that is voluntarily surrendered;

"(D) Visit or threaten to visit the household of a debtor at any time for the purpose of collecting a debt;

"(E) Visit or threaten to visit the place of employment of a debtor at any time; or

"(F) Confront or communicate in person with a debtor regarding the collection of a debt in any public place at any time, unless initiated by the debtor.

"(3) This subsection shall not apply to collecting or attempting to collect a debt that is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for common expenses pursuant to § 42-1903.12.

"(4) Any statute of limitations on any collection lawsuit is tolled during the duration of the public health emergency and for 60 days thereafter.

"(m)(1) During a public health emergency and for 60 days after its conclusion, no debt collector shall initiate any communication with a debtor via any written or electronic communication, including email, text message, or telephone. A debt collector shall not be deemed to have initiated a communication with a debtor if the communication by the debt collector is in response to a request made by the debtor for the communication or is the mailing of monthly statements related to an existing payment plan or payment receipts related to an existing payment plan.

"(2) This subsection shall not apply to:

"(A) Communications initiated solely for the purpose of informing a debtor of a rescheduled court appearance date or discussing a mutually convenient date for a rescheduled court appearance;

"(B) Original creditors collecting or attempting to collect their own debt;

"(C) Collecting or attempting to collect a debt which is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for common expenses pursuant to § 42-1903.12; or

"(D) Receiving and depositing payments the debtor chooses to make during a public health emergency.

"(n) Subsections (l) and (m) of this section shall not be construed to:

"(1) Exempt any person from complying with existing laws or rules of professional conduct with respect to debt collection practices;

"(2) Supersede or in any way limit the rights and protections available to consumers under applicable local, state, or federal foreclosure laws; or

"(3) Supersede any obligation under the District of Columbia Rules of Professional Conduct, to the extent of any inconsistency.".

Sec. 304. Emergency credit alerts.

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

(a) The table of contents for Chapter 38 is amended by adding a new subchapter designation to read as follows:

"Subchapter IV. COVID-19 Emergency Credit Alert.

"28-3871. COVID-19 Emergency credit alert.

(b) A new section 28-3871 is added to read as follows:

"§ 28-3871. COVID-19 Emergency credit alert.

"(a) If a consumer reports in good faith that he or she has experienced financial hardship resulting directly or indirectly from the public health emergency declared pursuant to § 7-2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in that file a personal statement, if furnished by the consumer, indicating that the consumer has been financially impacted by the COVID-19 emergency and shall provide that personal statement along with or accompanying any credit report provided by the agency, beginning on the date of such request, unless the consumer requests that the personal statement be removed.

"(b) This section shall not apply to a federal credit union, as defined 12 U.S.C. § 1752(1) a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as defined by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not apply to any entity to which the savings clause at 12 U.S.C. § 25b(b)(2) applies.

"(c) No user of a credit report shall consider adverse information in a report that was the result of an action or inaction by a consumer that occurred during, and was directly or indirectly the result of, a public health emergency declared pursuant to § 7-2304.01 if the credit report includes a personal statement pursuant to subsection (a) of this section."

"(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. § 1681j, the entity providing the credit report must notify the resident of his or her right to request a personal statement to accompany the credit report.

"(e) If a credit reporting agency violates this section, the affected consumer may bring a civil action consistent with 15 U.S.C. § 1681n.

"(f)(1) The Attorney General may petition the Superior Court of the District of Columbia for temporary or permanent injunctive relief for, and for an award of damages for property loss or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or deceptive conduct in violation of this section that harms a District resident.

"(2) In an action under this section, the Attorney General may recover:

"(A) A civil penalty not to exceed $1,000 for each violation; and

"(B) Reasonable attorney's fees and costs of the action.

"(g) The following terms shall have the same meaning as defined in § 28-3861:

"(1) "Consumer;"

"(2) "Credit report;" and

"(3) "Credit reporting agency.

"(h) This section shall not be construed in a manner inconsistent with the Fair Credit Reporting Act, (15 U.S.C. § 1681 *et seq.*), or any other federal law or regulation.

"(i) This section shall not be enforced until July 1, 2020.".

Sec. 305. Enhanced penalties for unlawful trade practices.

Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking the phrase "by the Department." and inserting the phrase "by the Department; except, that notwithstanding any other provision of District law or regulation, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction within the meaning of 16 DCMR § 3200.1(a).".

Sec. 306. Price gouging and stockpiling.

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

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

"28-4102.01. Stockpiling.".

(b) Section 28-4102(a)) is amended to read as follows:

"(a) It shall be unlawful for any person to charge more than the normal average retail price for any merchandise or service sold during a public health emergency declared pursuant to § 7-2304.01, or during an emergency resulting from a natural disaster declared pursuant to subsection (b) of this section.".

(c) A new section 28-4102.01 is added to read as follows:

"§ 28-4102.01. Stockpiling.

"It shall be unlawful for any person to purchase, in quantities greater than those specified by the Mayor, the Department of Health ("DOH"), the Homeland Security and Emergency

Management Agency ("HSEMA"), or the federal government goods that the Mayor, DOH, HSEMA, or the federal government have declared:

"(1) Necessary for first responders or others following a natural disaster or a declaration of a public health emergency pursuant to § 7-2304.01 ("public health emergency");

"(2) Necessary to maintain supply chains of commerce during a natural disaster or a public health emergency; or

"(3) Subject to rationing.".

(d) Section 28-4103 is amended as follows:

(1) Strike the phrase "§ 28-4102(a)" wherever it appears and insert the phrase "§ 28-4102(a) or § 28-4102.01" in its place.

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

"(c) When the Office of the Attorney General brings a civil action for any violation of § 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty authorized by § 28-3909 shall be assessed for each such violation.".

Sec. 307. Utility shutoff.

(a) Section 113a(c) of the District Department of the Environment Establishment Act of 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is amended as follows:

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

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

"(2) Notwithstanding paragraph (1) of this subsection, during a period of time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 105 calendar days thereafter, money in the Fund may be used to assist low-income residential customers located in the District of Columbia with the payment of an outstanding water bill balance; except, that not less than $1.26 million of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit organizations located in the District with the payment of impervious area charges, pursuant to section 216b(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34-2202.16b(a)), and not less than $360,000 of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist residential customers with the payment of impervious area charges, pursuant to section 216b(b).".

(b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic cable operator services for non-payment of a bill, any fees for service or equipment, or any other charges, or for noncompliance with a deferred payment agreement during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or for 15 calendar days thereafter.

"(2) For purposes of this subsection, the term "other basic cable operator services" includes only basic broadband internet service and Voice over Internet Protocol service (known as VOIP service) .".

(c) The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106b to read as follows:

"Sec. 106b. Disconnection of service during a public health emergency prohibited.

"(a) For the purposes of this section, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(b) An electric company shall not disconnect electric service for non-payment of a bill or fees during a public health emergency or for 15 calendar days thereafter.".

(d) The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is amended by adding a new section 7b to read as follows:

"Sec. 7b. Disconnection of service during a public health emergency prohibited.

"(a) For the purposes of this section, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(b) A gas company shall not disconnect gas service for non-payment of a bill or fees during a public health emergency or for 15 calendar days thereafter.".

(e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new subsection (c) to read as follows:

"(c)(1) For the purposes of this subsection, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(2) During a public health emergency, or for 15 calendar days thereafter, notwithstanding any other provision of this act, the water supply to any property shall not be shut off for non-payment of a bill or fees.".

(f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a to read as follows:

"Section 3a. Disconnection of telecommunications service during a public health emergency prohibited.

"(a) For the purposes of this section, the term "public health emergency" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(b) A telecommunications service provider shall not disconnect, suspend, or degrade basic telecommunications service for non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance with a deferred payment agreement during a public health emergency or for 15 calendar days thereafter.".

(g) Notwithstanding any District law, the Attorney General for the District of Columbia may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any merchant, including a utility provider, that violates any provision of this act.

Sec. 308. Utility payment plans.

(a) During a program period, a utility provider shall offer a utility-payment-plan program ("program") for eligible customers. Under its program, a utility provider shall:

(1) Make a payment plan ("payment plan") available to an eligible customer for the payment of amounts that come due during the program period, with a minimum term length of one year, unless a shorter time period is requested by the eligible customer;

(2) Waive any fee, interest, or penalty that arises out of the eligible customer entering into a payment plan;

(3) Not report to a credit reporting agency as delinquent the amounts subject to the payment plan; and

(4) Notify all customers of the availability, terms, and application process for its program.

(b)(1) Customers entering into a payment plan shall be required to make payments in equal monthly installments for the duration of the payment plan unless a shorter payment schedule is requested by the customer.

(2) A utility provider shall permit a customer that has entered into a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) A utility provider shall not require or request a customer provide a lump-sum payment under a payment plan.

(4) A utility provider shall provide confirmation in writing to the customer of the payment plan entered into, including the terms of a payment plan.

(c) A utility provider shall utilize existing procedures or, if necessary, establish new procedures to provide a process by which a customer may apply for a payment plan, which may include requiring the customer to submit supporting documentation. A utility provider shall permit application for a payment plan to occur online and by telephone.

(d)(1) A utility provider shall approve each application for a payment plan submitted during the covered time period made by an eligible customer.

(2) If the customer is not eligible and the customer's application for a payment plan is denied, the utility provider shall inform the customer, in writing, of the denial and of the option to file a written complaint pursuant to subsection (g) of this section.

(e)(1) A utility provider shall not disconnect service for non-payment of a bill or fees when a customer has entered into a payment plan under this section and has made payments in accordance with the terms of the payment plan;

(2) When a customer fails to pay in full the amounts due under a payment plan and the customer and utility provider have not mutually agreed to a modification of the terms of the payment plan, nothing under this section shall prevent a utility provider from either offering the customer a new payment plan or disconnecting service.

(3) Notwithstanding any provision in this section, a utility provider is not required to offer a customer a new payment plan when a customer has defaulted on a previous payment plan offered pursuant to this section.

(f)(1) A utility provider that receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

(2) Upon request by the customer, a utility provider shall make an application for a payment plan available to:

(A) For utility providers regulated by the Public Service Commission and DC Water, the Office of the People's Counsel;

(B) For a cable operator, the Office of Cable Television, Film, Music and Entertainment; and

(C) For all other utility providers, the Department of Consumer and Regulatory Affairs and the Office of the Attorney General.

(g) A customer whose application for a payment plan is denied may file a written complaint with:

(1) For utility providers regulated by the Public Service Commission, the Public Service Commission, and the Office of the People's Counsel;

(2) For a cable operator, the Office of Cable Television, Film, Music and Entertainment; and

(3) For all other utility providers, the Department of Consumer and Regulatory Affairs.

(h) During a period of time for which the Mayor has declared a public health emergency, a utility provider regulated by the Public Service Commission shall reconnect service to occupied residential property upon an eligible customer's request and not charge a fee for this reconnection.

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

(1) "Cable operator" shall have the same meaning as provided in section 103(6) of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.03(6)).

(2) "DC Water" means the District of Columbia Water and Sewer Authority established pursuant to section 202(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.02(a)).

(3) "Electric company" shall have the same meaning as provided in section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

(4) "Eligible Customer" means a customer that:

(A) Has notified the utility provider of an inability to pay all or a portion of the amount due as a result, directly or indirectly, of the public health emergency; and

(B) Agrees in writing to make payments in accordance with the payment plan.

(5) "Gas company" shall have the same meaning as provided in section 3(11) of the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(11)).

(6) "Program period" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) and:

(A) For a cable operator, or a telecommunications provider not regulated by the Public Service Commission, 60 days thereafter; or

(B) For any other utility provider, 6 months thereafter.

(7) "Telecommunications provider" means an entity that provides telecommunications services, whether through a telecommunications system or universal service, as those terms are defined, respectively, in section 2(21) and (22) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(21) and (22)), or other telecommunication service, whether such service is regulated by the Public Service Commission of the District of Columbia or the Federal Communications Commission, or is currently not regulated by either local or federal law.

(8) "Utility provider" means a cable operator, DC Water, an electric company, a gas company, or a telecommunications provider.

Sec. 309. Composting virtual training.

Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended by adding a new paragraph (1A) to read as follows:

"(1A) Notwithstanding paragraph (1) of this subsection, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may provide the training required by paragraph (1) of this subsection remotely through videoconference.".

Sec. 310. Emergency Department of Insurance, Securities, and Banking authority.

The Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended by adding a new section 5a to read as follows:

"Sec. 5a. Emergency authority of the Commissioner during a declared public health emergency.

"(a) For the duration of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

"(1) Apply to any person or entity regulated by the Commissioner; and

"(2) Address:

"(A) Submission of claims or proof of loss;

"(B) Grace periods for payment of premiums and performance of other duties by insureds;

"(C) Temporary postponement of:

"(i) Cancellations;

"(ii) Nonrenewals; or

"(iii) Premium increases;

"(D) Modifications to insurance policies;

"(E) Insurer operations;

"(F) Filing requirements;

"(G) Procedures for obtaining nonelective health care services;

"(H) Time restrictions for filling or refilling prescription drugs;

"(I) Time frames applicable to an action by the Commissioner under this section;

"(J) Temporarily waiving application of laws, rulemaking, or requirements to ensure that depository services, non-depository services, and securities transactions can continue to be provided, including allowing for the opening of a temporary service location, which may be a mobile branch, temporary office space, or other facility; and

"(K) Any other activity related to insurance, securities, and banking and under the purview of the Commissioner reasonably calculated to protect the health, safety, and welfare of District residents during the public health emergency.

"(b) The Commissioner may require licensees to answer questions related to, and submit documentation of, the licensee's continuity of operations plan.

"(c)(1) To accomplish the purposes of this section, the Commissioner may issue emergency rulemaking, orders, or bulletins pursuant to this section specifying:

"(A) That the rulemaking, order, or bulletin is effective immediately;

"(B) The line or lines of business or the class or classes of licenses to which the regulation, order, or bulletin applies;

"(C) The geographic areas to which the regulation, order, or bulletin applies; and

"(D) The period of time for which the regulation, order, or bulletin applies.

"(2) A regulation issued under paragraph (1) of this subsection may not apply for longer than the duration of the effects of a declared public health emergency.".

Sec. 311. Vacant property designations.

Section 6(b) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)), is amended as follows:

(a) Paragraph (8) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(b) Paragraph (9) is amended by striking the period and inserting the phrase "; or" in its place.

(c) A new paragraph (10) is added to read as follows:

"(10) A commercial property that houses a business that has closed during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code§ 7-2304.01), as a result of the circumstances giving rise to or resulting from the public health emergency, and for 60 days thereafter.".

Sec. 312. Extension of licenses and registrations; waiver of deadlines.

Notwithstanding any provision of law during, or within 45 days after the end of, a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor, may:

(1) Prospectively or retroactively extend the validity of a license, registration, permit, or authorization, including driver licenses, vehicle registrations, professional licenses, registrations, and certifications;

(2) Waive the deadlines for filings, and waive fees, fines, and penalties associated with the failure to timely renew a license, registration, permit, or other authorization or to timely submit a filing; or

(3) Extend or waive the deadline by which action is required to be taken by the executive branch of the District government or by which an approval or disapproval is deemed to have occurred based on inaction by the executive branch of the District government.

TITLE IV. HOUSING AND TENANT PROTECTIONS

Sec. 401. Mortgage relief.

(a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(15)), and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Emergency Act"), and for 60 days thereafter, a mortgage lender that makes or holds a residential mortgage loan or commercial mortgage loan in the District shall develop a deferment program for borrowers that, at a minimum:

(1) Grants at least a 90-day deferment of the monthly payment of principal and interest on a mortgage for borrowers;

(2) Waives any late fee, processing fee, or any other fee accrued during the period of time for which the Mayor has declared a public health emergency pursuant to the Public Emergency Act; and

(3) Does not report to a credit reporting agency as delinquent the amounts subject to the deferral.

(b) The mortgage lender shall establish application criteria and procedures for borrowers to apply for the deferment program. An application or summary of procedures shall be made available online or by telephone.

(c) The mortgage lender shall approve each application in which a borrower:

(1) Demonstrates to the mortgage lender evidence of a financial hardship resulting directly or indirectly from the public health emergency, including an existing delinquency or future inability to make payments; and

(2) Agrees in writing to pay the deferred payments within:

(A) A reasonable time agreed to in writing by the applicant and the mortgage lender; or

(B) If no reasonable time can be agreed to pursuant to subparagraph (A) of this paragraph, 3 years from the end of the deferment period, or the end of the original term of the mortgage loan, whichever is earlier.

(d)(1) A mortgage lender who receives an application for deferment pursuant to this section shall retain the application, whether approved or denied, for at least 3 years after final payment is made on the mortgage or the mortgage is sold, whichever occurs first.

(2) Upon request, a mortgage lender shall make an application for deferment available to the Commissioner.

(3)(A)(i) A mortgage lender who approves an application for deferment pursuant to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all approved applications on a form prescribed by the Commissioner.

(ii) After the initial submission prescribed in this paragraph, a mortgage lender who approves an application for deferment pursuant to this section shall provide the Commissioner with a list of all new approvals in 15-day intervals for the duration of the public health emergency and for 60 days thereafter.

(iii) The Commissioner may request information on the number and nature of approvals between 15-day intervals.

(B) The Commissioner shall maintain a publicly available list of approved commercial loan deferral applications. The requirement of this subparagraph may be satisfied by posting to the Department of Insurance, Securities, and Banking website.

(e) A mortgage lender shall be prohibited from requesting or requiring a lump sum payment from any borrower making payments under a deferred payment program pursuant to this section, subject to investor guidelines.

(f) A person or business whose application for deferment is denied may file a written complaint with the Commissioner. The Commissioner is authorized to investigate the complaint

in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

(g) The provisions of this section shall apply to any lender who makes or holds a commercial mortgage loan in the District, with the exception of national banks and federally chartered credit unions.

(h) To the extent necessary to conform with the provisions of this section, the provisions in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health emergency.

(i) This section shall not apply to a property for which, as of March 11, 2020, a mortgage lender initiated a foreclosure action or exercised its right to accelerate the balance and maturity date of the loan on or before March 11, 2020.

(j) This section shall not apply to a mortgage loan that is a Federally backed mortgage loan, as that term is defined in section 4022(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9056(a)(2)) ("CARES Act"), or a Federally backed multifamily mortgage loan, as that term is defined in section 4023(f)(2) of the CARES Act (15 U.S.C. § 9057(f)(2)).

(k) A mortgage lender that violates the provisions of this section shall be subject to the penalties prescribed in section 19 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1118).

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

(1) "Commercial mortgage loan" means a loan for the acquisition, construction, or development of real property, or a loan secured by collateral in such real property, that is owned or used by a person, business, or entity for the purpose of generating profit, and includes real property used for single-family housing, multifamily housing, retail, office space, and commercial space that is made, owned, or serviced by a mortgage lender.

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

(3) "Mortgage lender" means any person that makes a mortgage loan to any person or that engages in the business of servicing mortgage loans for others or collecting or otherwise receiving mortgage loan payments directly from borrowers for distribution to any other person. The term "mortgage lender" does not include the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association.

Sec. 402. Tenant payment plans.

(a) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year thereafter ("program period"), a provider shall offer a rent-payment-plan program ("program") for eligible tenants. Under its program, a provider shall:

(1) Make a payment plan available to an eligible tenant for the payment of gross rent and any other amounts that come due under the lease during the program period and prior to the cessation of tenancy ("covered time period"), with a minimum term length of one year unless a shorter payment plan term length is requested by the eligible tenant.

(2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering into a payment plan;

(3) Not report to a credit reporting agency as delinquent the rent subject to the payment plan;

(4) Provide that an eligible tenant does not lose any rights under the lease by entering into the payment plan; and

(5) Notify all tenants of the availability, terms, and application process for its program.

(b)(1) Tenants entering into a payment plan shall be required to make payments in equal monthly installments for the duration of the payment plan unless a different payment schedule is requested by the tenant.

(2) A provider shall permit a tenant that has entered into a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) A provider shall not require or request a tenant to provide a lump-sum payment under a payment plan.

(4) A provider shall agree in writing to the terms of a payment plan.

(c) A provider shall utilize existing procedures or, if necessary, establish new procedures to provide a process by which an eligible tenant may apply for a payment plan, which may include requiring the tenant to submit supporting documentation. A provider shall permit an application for a payment plan to occur online and by telephone.

(d) A provider shall approve each application for a payment plan submitted during a covered time period in which an eligible tenant:

(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make rental payments established prior to the start of the public health emergency; and

(2) Agrees in writing to make payments in accordance with the payment plan.

(e)(1) A provider who receives an application for a payment plan shall retain the application, whether approved or denied, for at least 3 years.

(2) Upon request of the tenant, a provider shall make an application for a payment plan available to:

(A) For residential tenants, the Rent Administrator, Office of the Tenant Advocate; and

(B) For commercial tenants, the Department of Consumer and Regulatory Affairs.

(f)(1) A residential tenant whose application for a payment plan is denied may file a written complaint with the Rent Administrator. The Rent Administrator shall forward the complaint to the Office of Administrative Hearings for adjudication.

(2) A commercial tenant whose application for a payment plan is denied may file a written complaint with the Department of Consumer and Regulatory Affairs.

(g) During the program period, unless the provider has offered a rent payment plan pursuant to this section and approved a rent payment plan pursuant to subsection (d) of this section, that provider shall be prohibited from filing any collection lawsuit or eviction for non-payment of rent; provided, that the tenant does not default on the terms of the payment plan.

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

(1) "Eligible tenant" means a tenant that:

(A) Has notified a provider of an inability to pay all or a portion of the rent due as a result of the public health emergency; and

(B) Is not a franchisee unless the franchise is owned by a District resident; and

(C) Has leased from a provider:

(i) A residential property;

(ii) Commercial retail space; or

(iii) Commercial space that is less than 6,500 square feet in size and that comprises all or part of a commercial building.

(2) "Housing provider" means a person or entity who is a residential landlord, residential owner, residential lessor, residential sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit within a housing accommodation within the District.

(3) "Non-housing provider" means a person or entity who is a non-residential landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial unit.

(4) "Provider" means a housing provider or a non-housing provider.

Sec. 403. Residential cleaning.

(a) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.

(b) For the purposes of this section "housing accommodation" means any structure or building in the District containing one or more residential units that are not occupied by the owner of the housing accommodation, including any apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, or group home.

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

Sec. 404. Eviction prohibition.

(a) Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-1501 is amended as follows:

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

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

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 60 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section.".

(2) Section 16-1502 is amended by striking the phrase "exclusive of Sundays and legal holidays" and inserting the phrase "exclusive of Sundays, legal holidays, and a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(b) Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(k)), is amended as follows:

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

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

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

"(3) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 405. Residential tenant protections.

(a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section 510b to read as follows:

"Sec. 510b. Tolling of tenant deadlines during a public health emergency.

"The running of all time periods for tenants and tenant organizations to exercise rights under this act shall be tolled from the beginning of the period of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), until the end of the public health emergency, and for 30 days thereafter.".

(b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read as follows:

"(2)(A) A majority of the Rental Housing Commissioners shall constitute a quorum to do business, and a single vacancy shall not impair the right of the remaining Rental Housing Commissioners to exercise all powers of the Rental Housing Commission.

"(B) In the event that a majority of the Rental Housing Commissioners (or any one Commissioner if there is a vacancy) will be unable to perform their official duties for an extended period of time due to circumstances related to a declared state of emergency in the District of Columbia, including quarantine or movement restrictions, illness, or the care of a close family member, one Commissioner shall constitute a quorum to do business.

"(i) If the Chairperson will be unable to perform his or her duties, he or she shall designate an acting Chairperson or, if only one Commissioner is available, that Commissioner shall be automatically designated as acting Chairperson.

"(ii) The Chairperson of the Rental Housing Commission shall notify the Mayor and the Chairperson of the Council in writing of any temporary vacancy and whether the Commission is operating as a quorum of one.

"(iii) For such time as the Rental Housing Commission is operating as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency basis in accordance with section 105(c) of the District of Columbia Administrative Procedure Act, approved October 21, 2968 (82 Stat. 1206; D.C. Official Code § 2-505(c)).

"(iv) The authority to operate as a quorum of one shall terminate when at least one Rental Housing Commissioner notifies the Chairperson in writing that he or she is able to resume his or her duties. The authority may extend beyond the termination of the original declared state of emergency if Commissioners are personally affected by continuing circumstances.

(2) Section 208(a)(1) (D.C. Official Code § 42-3502.08(a)(1)) is amended as follows:

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

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

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

"(H) None of the circumstances set forth in section 904(c) applies.".

(3) Section 211 (D.C. Official Code § 42-3502.11) is amended as follows:

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

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

"(b) If, during a public health emergency that has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Emergency Act"), and consistent with applicable law or an order issued by the Mayor pursuant to the Public Emergency Act , a housing provider temporarily stops providing:

"(1) An amenity that a tenant pays for in addition to the rent charged, then the housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity during the public health emergency; or

"(2) A service or facility that is lawfully included in the rent charged, then the housing provider shall not be required to reduce the rent charged pursuant to subsection (a) of this section.".

(4) Section 531(c) (D.C. Official Code § 42-3505.31(c)) is amended as follows:

(A) Paragraph (4) is amended by striking the phrase "or;" and inserting a semicolon in its place.

(B) Paragraph (5) is amended by striking the period and inserting the phrase "; or" in its place.

(C) A new paragraph (6) is added to read as follows:

"(6) Impose a late fee on a tenant during any month for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

(5) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

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

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

"(b) Any notice of intent to vacate that a tenant provided prior to the period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public health emergency such that the tenant shall have the same number of days to vacate remaining at the end of the public health emergency as the tenant had remaining upon the effective date of the public health emergency.".

(6) Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new subsection (c) to read as follows:

"(c) Any notice of intent to vacate that a tenant provided prior to the period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public health emergency such that the tenant shall have the same number of days to vacate remaining at the end of the public health emergency as the tenant had remaining upon the effective date of the public health emergency.".

(7) Section 904 (D.C. Official Code § 42-3509.04) is amended by adding new subsections (c) and (d) to read as follows:

"(c) No housing provider may issue a rent increase notice to any residential tenant during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Emergency Act").

"(d)(1) Any rent increase, whether under this act, the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative decisions issued under these acts, shall be null and void and shall be issued anew in accordance with subsection (b) of this section if:

"(A) The effective date of the rent increase as stated on the notice of rent increase occurs during a period for which a public health emergency has been declared pursuant to the Public Emergency Act, and for 30 days thereafter;

"(B) The notice of rent increase was provided to the tenant during a period for which a public health emergency has been declared; or

"(C) The notice was provided to the tenant prior to, but the rent increase takes effect following, a public health emergency.

"(2) The Rent Administrator shall review all notices to a tenant of an adjustment in the rent charged filed by a housing provider with the Rental Accommodations Division of the Department of Housing and Community Development for consistency with this subsection and shall inform the housing provider that:

"(A) A rent increase is prohibited during the public health emergency plus 30 days pursuant to this section;

"(B) The housing provider shall withdraw the rent increase notice;

"(C) The housing provider shall inform tenants in writing that any rent increase notice is null and void pursuant to the Coronavirus Support Temporary Amendment Act of 2020, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758);

"(D) The housing provider shall, within 7 calendar days, file a certification with the Rental Accommodations Division that the notice letter required by subparagraph (C) of this paragraph was sent to tenants, along with a sample copy of the notice and a list of each tenant name and corresponding unit numbers; and

"(E) If it is determined that the housing provider knowingly demanded or received any rent increase prohibited by this act or substantially reduced or eliminated related services previously provided for a rental unit, the housing provider may be subject to treble damages and a rollback of the rent, pursuant to section 901(a).".

(8) A new section 911 is added to read as follows:

"Sec. 911. Tolling of tenant deadlines during a public health emergency.

"The running of all time periods for tenants and tenant organizations to exercise rights under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.".

Sec. 406. Rent increase prohibition.

(a) Notwithstanding any other provision of law, a rent increase for a residential property not prohibited by the provisions of section 904(c) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), shall be prohibited during a

period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

(b)(1) Notwithstanding any other provision of law, a rent increase for a commercial property shall be prohibited during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-1875 2304.01), and for 30 days thereafter.

(2) For the purposes of this subsection, the term "commercial property" means:

(A) A commercial retail establishment; or

(B) Leased commercial space that is less than 6,500 square feet in size and that comprises all or part of a commercial building.

(3) Any increase of rent on a commercial property made by a landlord between March 11, 2020, and June 9, 2020, shall be null and void and any excess rent paid by a tenant shall be credited to the tenant.

Sec. 407. Nonprofit corporations and cooperative association remote meetings.

Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-405.01(e) is amended by striking the phrase "The articles of incorporation or bylaws may provide that an annual" and inserting the phrase "Notwithstanding the articles of incorporation or bylaws, during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), an annual" in its place.

(b) Section 29-910 is amended by striking the phrase "If authorized by the articles or bylaws" and inserting the phrase "During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws" in its place.

Sec. 408. Foreclosure moratorium.

(a)(1) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter, no:

(A) Residential foreclosure may be initiated or conducted under section 539 or section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274; D.C. Official Code §§ 42-815 and 42-816); or

(B) Sale may be conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)).

(2) This subsection shall not apply to a residential property at which neither a record owner nor a person with an interest in the property as heir or beneficiary of a record

owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of the first day of the public health emergency.

(b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase "3 years" and inserting the phrase "3 years, not including any period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter," in its place.

TITLE V. HEALTH AND HUMAN SERVICES

Sec. 501. Prescription drugs.

Section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by adding a new subsection (g-2) to read as follows:

"(g-2)(1) An individual licensed to practice pharmacy pursuant to this act may authorize and dispense a refill of patient prescription medications prior to the expiration of the waiting period between refills to allow District residents to maintain an adequate supply of necessary medication during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

"(2) This subsection shall not apply to any patient prescription for which a refill otherwise would be prohibited under District law.".

Sec. 502. Homeless services.

The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "not to exceed 3 days" and inserting the phrase "not to exceed 3 days; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may place the family in an interim eligibility placement for a period not to exceed 60 days" in its place.

(2) Paragraph (2) is amended by striking the phrase "and section 9(a)(20)" and inserting the phrase "and section 9(a)(20); except, that the Mayor may extend an interim eligibility placement to coincide with the period of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(3) Paragraph (3) is amended by striking the phrase "within 12 days of the start of the interim eligibility placement" and inserting the phrase "within 12 days of the start of the interim eligibility placement; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002

(D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days following the end of the public health emergency to issue the eligibility determination required by this paragraph" in its place.

(4) Paragraph (4) is amended by striking the phrase "start of an interim eligibility placement," and inserting the phrase "start of an interim eligibility placement, or as otherwise required by paragraph (3) of this subsection" in its place.

(b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the phrase "and other professionals" and inserting the phrase "and other professionals; except, that the Mayor may waive the requirements of this provision for in-person meetings and communications during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase "established pursuant to section 18" and inserting the phrase "established pursuant to section 18; except, that the Mayor may waive this provision during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the phrase "served on the client." and inserting the phrase "served on the client; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may serve written notice via electronic transmission." in its place.

(e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase "to the unit; or" and inserting the phrase "to the unit;" in its place.

(B) Subparagraph (B) is amended by striking the phrase "at the location" and inserting the phrase "at the location; or" in its place.

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

"(C) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or mitigate the spread of contagious disease, as determined by the Department or provider." in its place.

(2) Paragraph (2) is amended by striking the phrase "to paragraph (1)(B)" and inserting the phrase "to paragraph (1)(B) or (C)" in its place.

Sec. 503. Extension of care and custody for aged-out youth.

(a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as follows:

(1) Paragraph (12) is amended by striking the phrase "; and" and inserting a semicolon in its place.

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

(3) A new paragraph (14) is added to read as follows:

"(14) To retain custody of a youth committed to the Agency who becomes 21 years of age during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), for a period not exceeding 90 days after the end of the public health emergency; provided, that the youth consents to the Agency's continued custody.".

(b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-2303 is amended as follows:

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

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

"(b) The Division shall retain jurisdiction of a minor in the legal custody of a public agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, for a period not exceeding 90 days after the end of the public health emergency; provided, that the minor consents to the Division's retention of jurisdiction.".

(2) Section 16-2322(f)(1) is amended by striking the phrase "twenty-one years of age" and inserting the phrase "21 years of age, not including orders extended pursuant to § 16-2303(b)" in its place.

Sec. 504. Standby guardianship.

Section 16-4802 of the District of Columbia Official Code is amended as follows:

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

"(5A) "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.".

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

"(6) "Debilitation" means those periods when a person cannot care for that person's minor child as a result of:

"(A) A chronic condition caused by physical illness, disease, or injury from which, to a reasonable degree of probability, the designator may not recover; or

"(B) A serious medical condition caused by COVID-19.".

(c) Paragraph (10) is amended to read as follows:

"(10) "Incapacity" means:

"(A) A chronic and substantial inability, as a result of a mental or organic impairment, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child; or

"(B) A substantial inability, as a result of COVID-19, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child.".

(d) Paragraph (13) is amended to read as follows:

"(13) "Triggering event" means any of the following events:

"(A) The designator is subject to an adverse immigration action;

"(B) The designator has been diagnosed, in writing, by a licensed clinician to suffer from a chronic condition caused by injury, disease, or illness from which, to a reasonable degree of probability, the designator may not recover and the designator:

"(i) Becomes debilitated, with the designator's written acknowledgement of debilitation and consent to commencement of the standby guardianship;

"(ii) Becomes incapacitated as determined by an attending clinician; or

"(iii) Dies; or

"(C) The designator has been diagnosed, in writing, by a licensed clinician to suffer from COVID-19 and the designator:

"(i) Becomes debilitated, with the designator's written acknowledgement of debilitation and consent to commencement of the standby guardianship;

"(ii) Becomes incapacitated as determined by an attending clinician; or

"(iii) Dies.".

Sec. 505. Health status and residence of wards.

Subchapter V of Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

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

"§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and residence of a ward."

(b) A new section 21-2047.03 is added to read as follows:

§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and residence of a ward.

"(a) During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), the guardian of a ward shall inform at least one relative of the ward, if one exists pursuant to subsection (d) of this section, as soon as practicable but no later than within 48 hours, of the following events:

"(1) The ward dies;

"(2) The ward is admitted to a medical facility;

"(3) The ward is transferred to acute care;

"(4) The ward is placed on a ventilator;

"(5) The residence of the ward or the location where the ward lives has changed; or

"(6) The ward is staying at a location other than the residence of the ward for a period that exceeds 7 consecutive days.

"(b) In the case of the death of the ward, the guardian shall inform at least one relative of the ward, if one exists, pursuant to subsection (d) of this section, of any funeral arrangements and the location of the final resting place of the ward at least 72 hours before the funeral.

"(c) Nothing in this section shall be construed to exempt a guardian from complying with federal or District privacy laws to which they are otherwise subject.

"(d) This section shall apply only to the relative of a ward:

"(1) Against whom a protective order is not in effect to protect the ward;

"(2) Who has not been found by a court or other state agency to have abused, neglected, or exploited the ward; and

"(3) Who has elected in writing to receive a notice about the ward.

"(e) For the purposes of this section the term:

"(1) "Relative" means a spouse, parent, sibling, child, or domestic partner of the ward.

"(2) "Domestic partner" shall have the same meaning as in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32–701(3)).".

Sec. 506. Contact tracing hiring requirements.

An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), is amended by adding a new section 9a to read as follows:

"Sec. 9a. Contact tracing hiring requirements.

"Of the number of persons hired by the Department of Health for positions, whether they be temporary or permanent, under the Contact Trace Force initiative to contain the spread of the novel 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of Health shall establish a goal and make the best effort to hire at least 50% District residents, and for the position of investigator, whether it be a temporary or permanent position, also establish a goal and make the best effort to hire at least 25% graduates from a workforce development or adult education program funded or administered by the District of Columbia.".

Sec. 507. Public health emergency authority.

The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

(a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "District of Columbia government;" and inserting the phrase "District of Columbia government; provided further, that a summary of each emergency procurement entered into during a period for which a public

health emergency is declared shall be provided to the Council no later than 7 days after the contract is awarded. The summary shall include:

(A) A description of the goods or services procured;

(B) The source selection method;

(C) The award amount; and

(D) The name of the awardee.".

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

(3) Paragraph (14) is amended by striking the period at the end and inserting a semicolon in its place.

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

"(15) Waive application of any law administered by the Department of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or welfare of District residents; and

"(16) Notwithstanding any provision of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*) ("CMPA"), or the rules issued pursuant to the CMPA, the Jobs for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code § 1-515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the following personnel actions regarding executive branch subordinate agencies that the Mayor determines necessary and appropriate to address the emergency:

"(A) Redeploying employees within or between agencies;

"(B) Modifying employees' tours of duty;

"(C) Modifying employees' places of duty;

"(D) Mandating telework;

"(E) Extending shifts and assigning additional shifts;

"(F) Providing appropriate meals to employees required to work overtime or work without meal breaks;

"(G) Assigning additional duties to employees;

"(H) Extending existing terms of employees;

"(I) Hiring new employees into the Career, Education, and Management Supervisory Services without competition;

"(J) Eliminating any annuity offsets established by any law; or

"(K) Denying leave or rescinding approval of previously approved leave.".

(b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "solely for the duration of the public health emergency; and" and inserting the phrase "solely for actions taken during the public health emergency;" in its place.

(2) Paragraph (4) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) Waive application in the District of any law administered by the Department of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health, safety, and welfare of District residents;

"(6) Authorize the use of crisis standards of care or modified means of delivery of health care services in scarce-resource situations; and

"(7) Authorize the Department of Health to coordinate health-care delivery for first aid within the limits of individual licensure in shelters or facilities as provided in plans and protocols published by the Department of Health.".

(c) A new section 5b to read as follows:

"Sec. 5b. Public health emergency response grants.

"(a) Upon the Mayor's declaration of a public health emergency pursuant to section 5a, and for a period not exceeding 90 days after the end of the public health emergency, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 et seq.), and in the Mayor's sole discretion, issue a grant or loan to a program or organization to assist the District in responding to the public health emergency, including a grant or loan for the purpose of:

"(1) Increasing awareness and participation in disease investigation and contact tracing;

"(2) Purchasing and distributing personal protective equipment;

"(3) Promoting and facilitating social distancing measures;

"(4) Providing public health awareness outreach; or

"(5) Assisting residents with obtaining disease testing, contacting health care providers, and obtaining medical services.

"(b) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of issuing or administering grants on behalf of the Mayor in accordance with the requirements of this section.

"(c)(1) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this section, shall maintain a list of all grants and loans awarded pursuant to this section with respect to each public health emergency for which grants or loans are issued. The list shall identify, for each award, the grant or loan recipient, the date of award, the intended use of the award, and the award amount.

"(2) The Mayor shall publish the list online no later than 60 days after the first grant or loan is issued under this section with respect to a specific public health emergency and shall publish an updated list online within 30 days after each additional grant or loan, if any, is issued with respect to the specific public health emergency.

"(d) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue rules to implement the provisions of this section.".

(d) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1) to read as follows:

"(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and

public health emergency executive order ("emergency orders") issued in response to the novel 2019 coronavirus (SARS CoV-2) for an additional 135-day period. After the additional 135-day extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this section.".

(e) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

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

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

"(b) The Mayor may revoke, suspend, or limit the license, permit, or certificate of occupancy of a person or entity that violates an emergency executive order.

"(c) For the purposes of this section a violation of a rule, order, or other issuance issued under the authority of an emergency executive order shall constitute a violation of the emergency executive order.".

Sec. 508. Public benefits clarification and continued access.

(a) The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(1) Section 101 (D.C. Official Code § 4-201.01) is amended by adding a new paragraph (2A-i) to read as follows:

"(2A-i) "COVID-19 relief" means any benefit in cash or in kind, including pandemic Supplemental Nutrition Assistance Program benefits, emergency Supplemental Nutrition Assistance Program benefits, and advance refund of tax credits, that are of a gain or benefit to a household and were received pursuant to federal or District relief provided in response to the COVID-19 Public Health Emergency of 2020. The term "COVID-19 relief" does not include COVID-19 related unemployment insurance benefits.".

(2) Section 505(4) (D.C. Official Code § 4-205.05(4)) is amended by striking the phrase "medical assistance" and inserting the phrase "medical assistance; COVID-19 relief;" in its place.

(3) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a new paragraph (4) to read as follows:

"(4) COVID-19 relief shall not be considered in determining eligibility for TANF and shall not be treated as a lump-sum payment or settlement under this act.".

(b) Notwithstanding any provision of District law, the Mayor may extend the eligibility period for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program, including the DC Healthcare Alliance and Immigrant Children's program, Temporary Assistance for Needy Families, and Supplemental Nutritional Assistance Program, until 60 days after the end of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as allowable under federal law.

Sec. 509. Notice of modified staffing levels.

Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-504(h-1)(1)(B)), is amended as follows:

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

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

(c) A new sub-subparagraph (iii) is added to read as follows:

"(iii) Provide a written report of the staffing level to the Department of Health for each day that the facility is below the prescribed staffing level as a result of circumstances giving rise to a public health emergency during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 510. Not-for-Profit Hospital Corporation.

Section 5115(l) of the Not-For-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04(l)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "Subsections (a), (b)," and inserting the phrase "Except as provided in paragraph (1A) of this subsection, subsections (a), (b)," in its place.

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

"(1A) During the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), subsections (a), (b), (c), (d), (e), and (f) of this section shall expire if:

"(A) By September 15, 2019, the Board does not adopt a revised budget for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District of Columbia as being balanced with a District operating subsidy of $22.14 million or less; or

"(B) At any time after September 30, 2020, a District operating subsidy of more than $15 million per year is required.".

Sec. 511. Discharge of Long-Term Care residents

Section 301 of the Nursing Home and Community Residence Facilities Protection Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1003.01), is amended by adding a new subsection (c) to read as follows:

"(c) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), plus an additional 45 days following the end of that period, a facility providing long-term care shall not involuntarily discharge a resident except because the discharge:

"(1) Results from the completion of the resident's skilled nursing or medical care; or

"(2) Is essential to safeguard that resident or one or more other residents from physical injury.".

Sec. 512. Long-Term Care Facility reporting of positive cases.

Each long-term care facility located in the District shall report daily to the Department of Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the long-term care facility during the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter.

Sec. 513. Food access study.

The Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-311 *et seq.*), is amended by adding a new section 5a to read as follows:

"Sec. 5a. Food access study.

"(a) By July 15, 2020, the Food Policy Director, in consultation with the Department of Employment Services, the Department of Human Services, the Homeland Security and Emergency Management Agency, and, as needed, other District agencies, shall make publicly available a study that evaluates and makes recommendations regarding food access needs during and following the COVID-19 public health emergency, including:

"(1) An analysis of current and projected food insecurity rates, based on data compiled across District agencies; and

"(2) A plan for how to address food needs during and following the public health emergency.

"(b) For the purposes of this section, the term "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.".

Sec. 514. Hospital support funding.

(a) The Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor's sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a grant application in the form and with the information required by the Mayor.

(b) The amount of a grant issued to an eligible hospital shall be based on:

(1) An allocation formula based on the number of beds at the eligible hospital; or

(2) Such other method or formula, as established by the Mayor, that addresses the impacts of COVID-19 on eligible hospitals.

(c) A grant issued pursuant to this section may be expended by the eligible hospital for:

(1) Supplies and equipment related to the COVID-19 emergency, including personal protective equipment, sanitization and cleaning products, medical supplies and equipment, and testing supplies and equipment;

(2) Personnel costs incurred to respond to the COVID-19 emergency, including the costs of contract staff; and

(3) Costs of constructing and operating temporary structures to test individuals for COVID-19 or to treat patients with COVID-19.

(d) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of administering the grant program authorized by this section and making subgrants on behalf of the Mayor in accordance with the requirements of this section.

(e) The Mayor shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days after the end of the COVID-19 emergency, whichever is earlier.

(f) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue rules to implement the provisions of this section.

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

(1) "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

(2) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those emergencies.

(3) "Eligible hospital" means a non-profit or for-profit hospital located in the District.

Sec. 515. Contractor reporting of positive cases.

(a) A District government contractor or subcontractor shall immediately provide written notice to the District if it or its subcontractor learns, or has reason to believe, that a covered employee has come into contact with, had a high likelihood of coming into contact with, or has worked in close physical proximity to a covered individual.

(b) Notices under subsection (a) of this section shall be made to the District government's contracting officer and contract administrator, or, if a covered individual is in care or custody of the District, to the District agency authorized to receive personally identifiable information. The notices shall contain the following information:

(1) The name, job title, and contact information of the covered employee;

(2) The date on, and location at, which the covered employee was exposed, or suspected to have been exposed, to SARS-CoV-2, if known;

(3) All of the covered employee's tour-of-duty locations or jobsite addresses and the employee's dates at such locations and addresses;

(4) The names of all covered individuals whom the covered employee is known to have come into contact with, had a high likelihood of coming into contact with, or was in close physical proximity to, while the covered employee performed any duty under the contract with the District; and

(5) Any other information related to the covered employee that will enable the District to protect the health or safety of District residents, employees, or the general public.

(c) A District government contractor or subcontractor shall immediately cease the on-site performance of a covered employee until such time as the covered employee no longer poses a health risk as determined in writing by a licensed health care provider. The District government contractor shall provide a written copy of the determination to the contract administrator and the contracting officer before the covered employee returns to his or her tour-of-duty location or jobsite address.

(d) The District shall privately and securely maintain all personally identifiable information of covered employees and covered individuals and shall not disclose such information to a third party except as authorized or required by law. District contractors and subcontractors may submit notices pursuant to subsection (a) of this section and otherwise transmit personally identifiable information electronically; provided, that all personally identifiable information be transmitted via a secure or otherwise encrypted data method.

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

(1) "Covered employee" means an employee, volunteer, subcontractor, or agent of a District government contractor or subcontractor that has provided any service under a District contract or subcontract and has:

(A) Tested positive for the novel 2019 coronavirus (SARS-CoV-2);

(B) Is in quarantine or isolation due to exposure or suspected exposure to the novel 2019 coronavirus (SARS-CoV-2); or

(C) Is exhibiting symptoms of COVID-19.

(2) "Covered individual" means:

(A) A District government employee, volunteer, or agent;

(B) An individual in the care of the District, the contractor, or the subcontractor; or

(C) A member of the public who interacted with, or was in close proximity to, a covered employee while the covered employee carried out performance under a District government contract or subcontract and while the covered employee was at a District government facility or a facility maintained or served by the contractor or subcontractor under a District government contract or subcontract.

(3) "COVID-19" means the disease caused by the novel 2019 coronavirus (SARS-CoV-2).

(4) "District government facility" means a building or any part of a building that is owned, leased, or otherwise controlled by the District government.

(5) "SARS-CoV-2" means the novel 2019 coronavirus.

(f) This section shall apply to all District government contracts and subcontracts that were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period

of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and for 30 days thereafter.

TITLE VI. EDUCATION

Sec. 601. Graduation requirements.

Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2201 *et seq.*) is amended as follows:

(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase "shall be satisfactorily completed" and inserting the phrase "shall be satisfactorily completed; except, that this requirement shall be waived for a senior who otherwise would be eligible to graduate from high school in the District of Columbia in the 2019-20 school year" in its place.

(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year" and inserting the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year; except, that following the Superintendent's approval to grant an exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A DCMR § 2100.3 for school year 2019-20, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020 academic year for any course in which a student in grades 9-12 is enrolled" in its place.

Sec. 602. Out of school time report waiver.

Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is amended by adding a new subsection (c) to read as follows:

"(c) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Office may waive the requirement to conduct an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.".

Sec. 603. Summer school attendance.

Section 206 of the Student Promotion Act of 2013, effective February 22, 2014 (D.C. Law 20-84; D.C. Official Code § 38-781.05), is amended by adding a new subsection (c) to read as follows:

"(c) The Chancellor shall have the authority to waive the requirements of subsection (a) of this section for any student who fails to meet the promotion criteria specified in the DCMR during a school year that includes a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 604. Education research practice partnership review panel.

Section 104(d)(2) of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.03(d)(2)), is amended by striking the phrase "timely manner" and inserting the phrase "timely manner; except, that upon the declaration of a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the meeting of the review panel shall be postponed until 7 business days following the end of the period of time for which the public health emergency was declared" in its place.

Sec. 605. UDC Board of Trustees terms.

Section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), is amended as follows:

(a) Subsections (d), (e), and (f) are amended to read as follows:

"(d) All terms on the Board of Trustees shall begin on May 15 and shall end one or 5 years thereafter on May 14. The student member elected pursuant to subsection (c)(2) of this section shall serve for a term of one year. All other members shall serve for a term of 5 years. Depending on the date of the individual's election or appointment, a member of the Board of Trustees may not actually serve a full term.

"(e) A member of the Board of Trustees who is elected as a holder of a degree pursuant to subsection (c)(3) of this section may be re-elected to serve one additional term, after which he or she may not again be elected pursuant to subsection (c)(3) of this section until at least 5 years have passed following his or her last day of service on the Board.".

"(f) A member of the Board of Trustees who is appointed pursuant to subsection (c)(1) of this section may serve 3 full or partial terms consecutively. No member shall serve for more than 15 consecutive years, regardless of whether elected or appointed, and shall not serve thereafter until 5 years have passed following his or her last day of service on the Board.".

Sec. 606. UDC fundraising match.

Section 4082(a) of the University of the District of Columbia Fundraising Match Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by striking the phrase "for every $2 that UDC raises from private donations by April 1" and inserting the phrase "to match dollar-for-dollar the amount UDC raises from private donations by May 1" in its place.

TITLE VII. PUBLIC SAFETY AND JUSTICE

Sec. 701. Jail reporting.

Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)), is amended as follows:

(a) Paragraph (5)(B) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(7) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the Council Committee with jurisdiction over the Office a weekly written update containing the following information:

"(A) Unless otherwise distributed to the Chairperson of the Council Committee with jurisdiction over the Office by the Criminal Justice Coordinating Council, a daily census for that week of individuals detained in the Central Detention Facility and Correctional Treatment Facility, categorized by legal status;

"(B) Any District of Columbia Government response to either the United States District Court for the District of Columbia or the Court-appointed inspectors regarding the implementation of the Court's orders and resolution of the inspectors' findings in the matter of *Banks v. Booth* (Civil Action No. 20-849), redacted for personally identifiable information; and

"(C) A description of:

"(i) All actions taken by the District Government to improve conditions of confinement in the Central Detention Facility and Correctional Treatment Facility, including by the Director of the Department of Youth and Rehabilitation Services or Director's designee; and

"(ii) Without reference to personally identifiable information, COVID-19 testing of individuals detained in the Central Detention Facility and Correctional Treatment Facility, including whether and under what conditions the District is testing asymptomatic individuals.".

Sec. 702. Civil rights enforcement.

The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

"Sec. 316a. Civil actions by the Attorney General.

"During a period of time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action initiated by the Attorney General for the District of Columbia ("Attorney General") for violations of this act, or a civil action arising in connection with the PHE, other than an action brought pursuant to section 307:

"(1) The Attorney General may obtain:

"(A) Injunctive relief, as described in section 307;

"(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-1), for each action or practice in violation of this act, and, in the context of a discriminatory advertisement, for each day the advertisement was posted; and

"(C) Any other form of relief described in section 313(a)(1); and

"(2) The Attorney General may seek subpoenas for the production of documents and materials or for the attendance and testimony of witnesses under oath, or both, which shall contain the information described in section 110a(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) ("Act"), and shall follow the procedures described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and (e)); provided, that the subpoenas are not directed to a District government official or entity.".

Sec. 703. FEMS reassignments.

Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as follows:

"(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign personnel of the Fire and Emergency Medical Services Department from firefighting and emergency medical services operations during a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), based upon the inability of the personnel to wear personal protective equipment in a manner consistent with medical and health guidelines.".

Sec. 704. Police Complaints Board investigation extension.

Section 5(d-3) of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104(d-3)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "January 1, 2017, through December 31, 2019" and inserting the phrase "August 1, 2019, through January 31, 2020" in its place.

(b) Paragraph (2) is amended by striking the date "April 30, 2021" and inserting the date "September 30, 2021" in its place.

Sec. 705. Extension of time for non-custodial arrestees to report.

Section 23-501(4) of the District of Columbia Official Code is amended by striking the period and inserting the phrase ", or within 90 days, if the non-custodial arrest was conducted during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01." in its place.

Sec. 706. Good time credits and compassionate release.

(a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking the phrase "this section combined" and inserting the phrase "this section combined; except, that during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to

award additional credits beyond the limits described in this subsection to effectuate the immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and this section, consistent with public safety.".

(b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(1) A new section 3a-1 is added to read as follows:

"Sec. 3a-1. Good time credit for felony offenses committed before August 5, 2000.

"(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be retroactively awarded good time credit toward the service of the defendant's sentence of up to 54 days for each year of the defendant's sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

"(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; provided, that in the event of a maximum term of life, only the minimum term shall receive good time.

"(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded good time credit toward the service of the defendant's sentence of up to 54 days for each year of the defendant's sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

"(2) An award of good time credit pursuant to paragraph (1) of this subsection:

"(A) Shall apply to any mandatory minimum term of incarceration; and

"(B) Is not intended to modify how the defendant is awarded good time credit toward any portion of the sentence other than the mandatory minimum.".

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

"Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

"(a) Notwithstanding any other provision of law, the court may modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and:

"(1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;

"(2) The defendant is 60 years of age or older and has served at least 25 years in prison; or

"(3) Other extraordinary and compelling reasons warrant such a modification, including:

"(A) A debilitating medical condition involving an incurable, progressive illness, or a debilitating injury from which the defendant will not recover;

"(B) Elderly age, defined as a defendant who:

"(i) Is 60 years of age or older;

"(ii) Has served at least 20 years in prison or has served the greater of 10 years or 75% of his or her sentence; and

"(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

"(C) Death or incapacitation of the family member caregiver of the defendant's children; or

"(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

"(b) Motions brought pursuant to this section may be brought by the United States Attorney's Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

"(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

"(d) For the purposes of this section, the term "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

Sec. 707. Healthcare provider liability.

(a) Notwithstanding any provision of District law:

(1) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from liability in a civil action for damages resulting from such care or treatment of COVID-19, or from any act or failure to act in providing or arranging medical treatment for COVID-19;

(2) A donor of time, professional services, equipment, or supplies for the benefit of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed individual with COVID-19, or care for the family members of such individuals for damages resulting from such donation shall be exempt from liability in a civil action; and

(3) A contractor or subcontractor on a District government contract that has been contracted to provide either health care services or human care services, consistent with section 104(37) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(37)), related to the District government's COVID-19 response shall be exempt from liability in a civil action.

(b) The limitations on liability provided for by subsection (a) of this section shall apply to any healthcare provider, first responder, volunteer, donor, or District government contractor or subcontractor of a District government contractor ("provider"), including a party involved in the healthcare process at the request of a health-care facility or the District government and acting within the scope of the provider's employment or organization's purpose, contractual or voluntary service, or donation, even if outside the provider's professional scope of practice, state of licensure, or with an expired license, who:

(1) Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176; 132 Stat. 1372).

(2) Provides direct or ancillary health-care services or health care products, including direct patient care, testing, equipment or supplies, consultations, triage services, resource teams, nutrition services, or physical, mental, and behavioral therapies; or

(3) Utilizes equipment or supplies outside of the product's normal use for medical practice and the provision of health-care services to combat the COVID-19 virus;

(c) The limitations on civil liability provided for by subsection (a) of this section shall not extend to:

(1) Acts or omissions that constitute actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct; or

(2) Acts or omissions unrelated to direct patient care; provided, that a contractor or subcontractor shall not be liable for damages for any act or omission alleged to have caused an individual to contract COVID-19.

(d) The limitations on liability provided for by subsection (a) of this section extend to acts, omissions, and donations performed or made during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to damages that ensue at any time from acts, omissions, and donations made during the public health emergency.

(e) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal prosecution for any act or failure to act in providing or arranging medical treatment for COVID-19 during a public health emergency, if such action is made in good faith.

(f) The limitations on liability provided for by this section do not limit the applicability of other limitations on liability, including qualified and absolute immunity, that may otherwise apply to a person covered by this section.

(g) For the purposes of this section, the term "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

TITLE VIII. GOVERNMENT OPERATIONS

Sec. 801. Board of Elections stipends.

Section 1108(c-1)(10) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(10)), is amended by striking the phrase "Chairperson per year" and inserting the phrase "Chairperson per year; except, that for the remainder of 2020 following April 10, 2020, District of Columbia Board of Elections members shall be entitled to compensation at the hourly rate of $40 while actually in the service of the board, not to exceed $25,000 for each member per year and $53,000 for the Chairperson per year" in its place.

Sec. 802. Retirement Board Financial disclosure extension of time.

Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 884; D.C. Official Code § 1-731(a)(1)), is amended by striking the phrase "April 30th" and inserting the phrase "July 30th" in its place.

Sec. 803. Ethics and campaign finance.

(a) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new subsection (c-2) to read as follows:

"(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

"(1) Reports required by this section are to be filed; and

"(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.".

(2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

"(1) Reports required by subsection (a) of this section are to be filed; and

"(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.".

(3) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which reports required by subsection (a) of this section shall be filed.".

(b) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), is amended as follows:

(1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by striking the phrase "in person, although online materials may be used to supplement the training" and inserting the phrase "in person or online" in its place.

(2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the phrase "5 days after" wherever it appears and inserting the phrase "5 business days after" in its place.

(3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking the phrase "Within 5 days after" and inserting the phrase "Within 5 business days after" in its place.

Sec. 804. Election preparations.

The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

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(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph (31) to read as follows:

"(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, the term "polling place" shall include Vote Centers operated by the Board throughout the District.".

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

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

"(9A) For the June 2, 2020, Primary Election, mail every registered qualified elector an absentee ballot application and a postage-paid return envelope;".

(2) Paragraph (10A) is amended by striking the phrase "7th day after the election" and inserting the phrase "7th day after the election; provided, that for elections held in calendar year 2020, the Board shall accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election" in its place.

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

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

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

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

(C) A new subparagraph (E) is added to read as follows:

"(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, regularly promote the Board's revised plans for those elections on the voter registration agencies' social media platforms, including by providing information about how to register to vote and vote by mail.".

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

"(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election.".

(d) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

"(3A) For the November 3, 2020, general election:

"(A) Petition sheets circulated in support of a candidate for elected office pursuant to this act may be electronically:

"(i) Made available by the candidate to qualified petition circulators; and

"(ii) Returned by qualified petition circulators to the candidate; and

"(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.".

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

(A) Paragraph (1) is amended by striking the phrase "A duly" and inserting the phrase "Except as provided in paragraph (4) of this subsection, a duly" in its place.

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

"(4) A duly qualified candidate for the following offices for the November 3, 2020, general election may be nominated directly for election to such office by a petition that is filed with the Board not fewer than 90 days before the date of such General Election and signed by the number of voters duly registered under section 7 as follows:

"(A) For Delegate or at-large member of the Council, 250 voters; and

"(B) For member of the Council elected by ward, 150 voters who are registered in the ward from which the candidate seeks election.".

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

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

(B) The newly designated paragraph (1) is amended by striking the phrase "Each candidate" and inserting the phrase "Except as provided in paragraph (2) of this subsection, each candidate" in its place.

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

"(2) A duly qualified candidate for the following offices for the November 3, 2020, general election may be nominated directly for election to such office by a petition that is filed with the Board not fewer than 90 days before the date of such general election and signed by the number of voters duly registered under section 7 as follows:

"(A) For member of the State Board of Education elected at-large, 150 voters; and

"(B) For member of the State Board of Education elected by ward, 50 voters who are registered in the ward from which the candidate seeks election.".

(e) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

(1) Subsection (g) is amended by striking the phrase "white paper of good writing quality of the same size as the original or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-sided sheet providing numbered lines for 20 printed" and inserting the phrase "paper of good writing quality or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines for printed" in its place.

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

"(g-1) In calendar year 2020:

"(1) Petition sheets of proposers may be electronically:

"(A) Made available by the proposers to qualified petition circulators; and

"(B) Returned by qualified petition circulators to the proposers; and

"(2) Signatures on petition sheets of proposers shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.".

Sec. 805. Absentee ballot request signature waiver.

Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR § 720.7(h)) is amended by striking the phrase "Voter's signature" and inserting the phrase "Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16, 2020, Ward 2 Special Election, voter's signature" in its place.

Sec. 806. Overseas ballot extension.

Section 110 of the Uniform Military and Overseas Voters Act of 2012, effective June 5, 2012 (D.C. Law 19-137; D.C. Official Code § 1-1061.10), is amended by striking the phrase "after the election;" and inserting the phrase "after the election; provided, that for elections held in calendar year 2020, the Board shall accept a military-overseas ballot postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election;" in its place.

Sec. 807. Remote notarizations.

The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph (1A) to read as follows:

"(1A) "Audio-video communication" means an electronic device or process that:

"(A) Enables a notary public to view, in real time, an individual and to compare for consistency the information and photos on that individual's government-issued identification; and

"(B) Is specifically designed to facilitate remote notarizations.".

(b) Section 6 (D.C. Official Code § 1-1231.05) is amended as follows:

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

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

"(b) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual making the statement or executing the signature, notarial acts required or permitted under District law if:

"(1) The notary public and the individual communicate with each other simultaneously by sight and sound using audio-video communication; and

"(2) The notary public:

"(A) Has notified the Mayor of the intention to perform notarial acts using audio-video communication and the identity of the audio-video communication the notary public intends to use;

"(B) Has satisfactory evidence of the identity of the individual by means of:

"(i) Personal knowledge or by the individual's presentation of a current government-issued identification that contains the signature or photograph of the individual to the notary public during the video conference; or

"(ii) A verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify based on a current passport, driver's license, or government-issued nondriver identification card;

"(C) Confirms that the individual made a statement or executed a signature on a document;

"(D) Receives by electronic means a legible copy of the signed document directly from the individual immediately after it was signed;

"(E) Upon receiving the signed document, immediately completes the notarization;

"(F) Upon completing the notarization, immediately transmits by electronic means the notarized document to the individual;

"(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act; and

"(H) Indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and that the notarial act was performed using audio-visual communication.".

(c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection (d) to read as follows:

"(d) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a notarial act shall be deemed to be performed in the District.".

Sec. 808. Freedom of Information Act.

The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(2) Subsection (d)(1) is amended by striking the phrase "Sundays, and" both times it appears and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

(c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c) to read as follows:

"(c) For the purposes of this title, the term "COVID-19 closure" means:

"(1) A period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

"(2) A period of time during which a public body is closed due to the COVID-19 coronavirus disease, as determined by the personnel authority of the public body.".

Sec. 809. Open meetings.

The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

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

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

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

"(4) During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.".

(b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6) to read as follows:

"(6) The public posting requirements of paragraph (2)(A) of this section shall not apply during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

(c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the phrase "attend the meeting;" and inserting the phrase "attend the meeting, or in the case of a meeting held during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.".

(d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new paragraph (3) to read as follows:

"(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be tolled during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

Sec. 810. Electronic witnessing.

(a) Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-4802 is amended as follows:

(A) New paragraphs (9A) and (9B) are added to read as follows:

"(9A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"(9B) "Electronic presence" means when one or more witnesses are in a different physical location than the designator but can observe and communicate with the designator and one another to the same extent as if the witnesses and designator were physically present with one another.".

(B) New paragraphs (11A) and (11B) are added to read as follows:

"(11A) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

"(11B) "Sign" means with present intent to authenticate or adopt a record to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.".

(2) Section 16-4803 is amended as follows:

(A) Subsection (c) is amended by striking the phrase "the adult signs the designation in the presence of the designator" and inserting the phrase "the adult signs the designation in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the designator" in its place.

(B) Subsection (d) is amended by striking the phrase "in the presence of 2 witnesses" and inserting the phrase "in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of 2 witnesses" in its place.

(b) Title 21 of the District of Columbia Official Code is amended as follows:

(1) Section 21-2011 is amended as follows:

(A) New paragraphs (5B-i) and (5B-ii) are added to read as follows:

"(5B-i) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"(5B-ii) "Electronic presence" means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.".

(B) New paragraphs (23A) and (23B) are added to read as follows:

"(23A) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

"(23B) "Sign" means with present intent to authenticate or adopt a record to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.".

(2) Section 21-2043 is amended by adding a new subsection (c-1) to read as follows:

"(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.".

(3) Section 21-2202 is amended as follows:

(A) New paragraphs (3A) and (3B) are added to read as follows:

"(3A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"(3B) "Electronic presence" means when one or more witnesses are in a different physical location than the principal but can observe and communicate with the principal and one another to the same extent as if the witnesses and principal were physically present with one another.".

(B) A new paragraph (6B) is added to read as follows:

"(6B) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.".

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

"(8) "Sign" means with present intent to authenticate or adopt a record to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.".

(4) Section 21-2205(c) is amended by striking the phrase "2 adult witnesses who affirm that the principal was of sound mind" and inserting the phrase "2 adult witnesses who, in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the principal was of sound mind" in its place.

(5) Section 21-2210(c)) is amended is amended by striking the phrase "There shall be at least 1 witness present" and inserting the phrase "There shall be at least one witness present or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, electronically present" in its place.

(c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 *et seq.*), is amended as follows:

(1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

(A) New paragraphs (6A) and (6B) are added to read as follows:

"(6A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"(6B) "Electronic presence" means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.".

(B) New paragraphs (9A) and (9B) are added to read as follows:

"(9A) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

"(9B) "Sign" means with present intent to authenticate or adopt a record to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.".

(2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a new subsection (c-1) to read as follows:

"(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public

health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence of the signatory.".

Sec. 811. Electronic wills.

Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

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

"18-813. Electronic wills.".

(b) Section 18-103(2) is amended by striking the phrase "in the presence of the testator" and inserting the phrase "in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined in § 18-813(a)(2), of the testator" in its place.

(c) A new section 18-813 is added to read as follows:

"§ 18-813. Electronic wills.

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

"(1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"(2) "Electronic presence" means when one or more witnesses are in a different physical location than the testator but can observe and communicate with the testator and one another to the same extent as if the witnesses and testator were physically present with one another.

"(3) "Electronic will" means a will or codicil executed by electronic means.

"(4) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

"(5) "Sign" means, with present intent to authenticate or adopt a record, to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.

"(b)(1) A validly executed electronic will shall be a record that is:

"(A) Readable as text at the time of signing pursuant to subparagraph (B) of this paragraph; and

"(B) Signed:

"(i) By the testator, or by another person in the testator's physical presence and by the testator's express direction; and

"(ii) In the physical or electronic presence of the testator by at least 2 credible witnesses, each of whom is physically located in the United States at the time of signing.

"(2) In order for the electronic will to be admitted to the Probate Court, the testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who supervised the execution of the electronic will shall certify a paper copy of the electronic will by affirming under penalty of perjury that:

"(A) The paper copy of the electronic will is a complete, true, and accurate copy of the electronic will; and

"(B) The conditions in paragraph (1) of this subsection were satisfied at the time the electronic will was signed.

"(3) Except as provided in subsection (c) of this section, a certified paper copy of an electronic will shall be deemed to be the electronic will of the testator for all purposes under this title.

"(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

"(2) An electronic will, or a part thereof, is revoked by:

"(A) A subsequent will or electronic will that revokes the electronic will, or a part thereof, expressly or by inconsistency; or

"(B) A direct physical act cancelling the electronic will, or a part thereof, with the intention of revoking it, by the testator or a person in the testator's physical presence and by the testator's express direction and consent.

"(3) After it is revoked, an electronic will, or a part thereof, may not be revived other than by its re-execution, or by a codicil executed as provided in the case of wills or electronic wills, and then only to the extent to which an intention to revive is shown in the codicil.

"(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if executed in compliance with the law of the jurisdiction where the testator is:

"(1) Physically located when the electronic will is signed; or

"(2) Domiciled or resides when the electronic will is signed or when the testator dies.

"(e) Except as otherwise provided in this section:

"(1) An electronic will is a will for all purposes under the laws of the District of Columbia; and

"(2) The laws of the District of Columbia applicable to wills and principles of equity apply to an electronic will.

"(f) This section shall apply to electronic wills made during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.".

Sec. 812. Administrative hearings deadlines.

Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the 90-day time period to request a hearing shall be tolled:

(1) To review an adverse action by the Mayor concerning any new application for public assistance or any application or request for a change in the amount, kind or conditions of public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or conditions of public assistance benefits or to take other action adverse to the recipient pursuant to

section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4–210.09); or

(2) To appeal an adverse decision listed in section 26(b) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.41(b)).

Sec. 813. Other boards and commissions.

Notwithstanding any provision of law, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

(1) Any requirement for a board, commission, or other public body to meet is waived, unless the Mayor determines that it is necessary or appropriate for the board, commission, or other public body to meet during the period of the public health emergency, in which case the Mayor may order the board, commission, or other public body to meet;

(2) Any vacancy that occurs on a board or commission shall not be considered a vacancy for the purposes of nominating a replacement; and

(3) The review period for nominations transmitted to the Council for approval or disapproval in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), shall be tolled.

Sec. 814. Living will declaration.

The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-621 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7–621) is amended as follows:

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

"(2B) "Electronic presence" means when one or more witnesses are in a different physical location than the declarant but can observe and communicate with the declarant and one another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to the same extent as if the witnesses and declarant were physically present with one another.

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

"(5A) "Sign" means with present intent to authenticate or adopt a record to:

"(A) Execute or adopt a tangible symbol; or

"(B) Affix to or associate with the record an electronic signature.".

(b) Section 3 (D.C. Official Code § 7–622) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase "Signed in the presence" and inserting the phrase "Signed in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence" in its place.

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

"(d) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), any signature required by this act may be an electronic signature.".

(c) Section 5(a)(3) (D.C. Official Code § 7–624(a)(3)) is amended by striking the phrase "in the presence of a witness" and inserting the phrase "in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), electronic presence of a witness" in its place.

TITLE IX. LEGISLATIVE BRANCH

Sec. 901. Council Rules.

The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(a) Section 101(31) is amended by striking the phrase "in 2020." and inserting the phrase "in 2020. For 2020, the summer recess shall be August 1st through September 7th." in its place

(b) Section 367 is amended by striking the phrase "remote voting or proxy shall" and inserting the phrase "proxy shall" in its place.

(c) Rule VI(c) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23, is amended by adding a new paragraph (5) to read as follows:

"(5) Notwithstanding any other rule, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Councilmember may disseminate information about, and connect constituents with, services and offers, including from for-profit entities, that the Councilmember determines is in the public interest in light of the public health emergency.".

(d) Rule X(f)(1)(C) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23, is amended by striking the phrase "The proposed" and inserting the phrase "Unless the electronic newsletter exclusively contains information relating to a declared public health emergency, the proposed" in its place.

Sec. 902. Grant budget modifications.

(a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the federal, private, and other grants related to the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), both declared on March 11, 2020, submitted to the Council for approval and accompanied by a report by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)).

(b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the

Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant related to the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), both declared on March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of addressing a public emergency, if:

(1) No written notice of disapproval is filed with the Secretary to the Council within 2 business days of the receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

(2) Such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5 calendar days of the initial receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

Sec. 903. Budget submission requirements.

The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

(a) Section 2 is amended by striking the phrase "not later than March 19, 2020," and inserting the phrase "not later than May 18, 2020, unless another date is set by subsequent resolution of the Council" in its place.

(b) Section 3(2) is amended as follows:

(1) Subparagraph (A) is amended by striking the phase "the proposed Fiscal Year 2021 Local Budget Act of 2020," and inserting the phrase "the proposed Fiscal Year 2021 Local Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the proposed Fiscal Year 2021 Local Budget Temporary Act of 2020," in its place.

(2) Subparagraph (C) is amended by striking the phrase "produced from PeopleSoft on March 19, 2020" and inserting the phrase "produced from PeopleSoft on May 18, 2020" in its place.

Sec. 904. Tolling of matters transmitted to the Council.

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

(1) Subsection (c) is amended by striking the phrase "180 days," and inserting the phrase "180 days, excluding days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place

(2) Subsection (e) is amended by striking the phrase "excluding days of Council recess" and inserting the phrase "excluding days of Council recess and days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section

5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(3) Subsection (f) is amended by striking the phrase "Council shall have an additional 45 days, excluding days of Council recess," and inserting the phrase "Council shall have an additional 45 days, excluding days of Council recess and days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(b) Notwithstanding any provision of law, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the review period for any matter transmitted to the Council for approval or disapproval, other than nominations transmitted in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), contract approvals, or reprogrammings transmitted in accordance with section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-363), shall be tolled if not inconsistent with the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

Sec. 905. Advisory Neighborhood Commissions.

The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Candidates for" and inserting the phrase "Except as provided in paragraph (3) of this subsection, candidates for" in its place.

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

"(3) For the November 3, 2020, general election:

"(A) Candidates for member of an Advisory Neighborhood Commission shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are residents of the single-member district from which the candidate seeks election;

"(B) The petitions of a candidate in subparagraph (A) of this paragraph may be electronically:

"(i) Made available by the candidate to a qualified petition circulator; and

"(ii) Returned by a qualified petition circulator to the candidate; and

"(C) Signatures on a candidate's petitions shall not be invalidated because the signer was also the circulator of the same petition on which the signature appears.".

(b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "prior to a general election" both times it appears and inserting the phrase "prior to a general election or during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a

of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

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

(A) Subparagraph (A) is amended by striking the phrase "and legal holidays" and inserting the phrase "legal holidays, and days during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" in its place.

(B) Subparagraph (C) is amended by striking the phrase "petitions available," and inserting the phrase "petitions available, not including days during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(C) Subparagraph (E) is amended by striking the phrase "or special meeting" and inserting the phrase "or special meeting, not to include a remote meeting held during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

(c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection (q) to read as follows:

"(q) During a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

"(1) The 30-day written notice requirement set forth in subsection (b) of this section shall be a 51-day written notice requirement; and

"(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of this section shall be a 66-calendar-day notice requirement.".

(d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "by the Commission." and inserting the phrase "by the Commission; provided, that no meetings shall be required to be held during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be held in a given year shall be reduced by one for every 30 days that a public health emergency is in effect during the year.".

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

"(1B) Notwithstanding any other provision of law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and remotely participate in that meeting and vote on matters before the Commission without being physically present through a teleconference or through digital means identified by the

Commission for this purpose. Members physically or remotely present shall be counted for determination of a quorum.".

(e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

(1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as follows:

"(C) Subparagraph (A)(i) of this paragraph shall not apply to the failure to file quarterly reports due during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).".

(2) Subsection (m)(1) is amended by striking the phrase "District government" and inserting the phrase "District government; except, that notwithstanding any provision of District law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including food or supplies, during the public health emergency, or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government" in its place.

TITLE X. BORROWING AUTHORITY

SUBTITLE A. GENERAL OBLIGATION NOTES

Sec. 1001. Short title.

This subtitle may be cited as the "Fiscal Year 2020 General Obligation Notes Temporary Act of 2020".

Sec. 1002. Definitions.

For the purposes of this subtitle, the term:

(1) "Additional Notes" means District general obligation notes described in section 1009 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

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

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

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 1007.

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

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation notes authorized to be issued pursuant to this subtitle.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 1009 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

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

(16) "Treasurer" means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1003. Findings.

The Council finds that:

(1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to meet appropriations for that fiscal year.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The issuance of general obligation notes in a sum not to exceed $300,000,000 is in the public interest.

Sec. 1004. Note authorization.

(a) The District is authorized to incur indebtedness, for operating or capital expenses, by issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§

1-204.71 and 1-204.82), in one or more series, in a sum not to exceed $300,000,000, to meet appropriations for the fiscal year ending September 30, 2020.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1005. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2020 General Obligation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2021.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more

issues and in one or more series.

Sec. 1006. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes. .

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The certificate shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions

taken as stated in the certificate. A copy of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificate.

Sec. 1007. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83) and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(f) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(i) There are provided and approved for expenditure sums as may be necessary

for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to the effective date of this subtitle, relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of $1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 20% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

(1) An investment or obligation of the District as represented by the notes;

(2) An investment or obligation or program of investment; or

(3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other

arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1008. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less-than-sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1009. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued

pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the provisions of section 1007 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement.

Sec. 1010. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1011. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1012. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1013. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1014. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

SUBTITLE B. TRANs NOTES

Sec. 1021. Short title.

This subtitle may be cited as the "Fiscal Year 2020 Tax Revenue Anticipation Notes Temporary Act of 2020".

Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 1029 that may be issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a).

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

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

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

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 1027.

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

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this subtitle.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 1029 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

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

(16) "Treasurer" means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1023. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2020, it may be necessary for the District to borrow to a sum not to exceed $200,000,000, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed $200,000,000 is in the public interest.

Sec. 1024. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in one or more series, in a sum not to exceed $200,000,000, to finance its general governmental expenses, including operating or capital expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2020.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1025. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2020.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

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

Sec. 1026. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary

or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes.

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the

certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 1027. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 1029(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), for the period August 15, 2020, until September 30, 2020, beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and

deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2020, through September 30, 2020, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(g) Before the 16th day of each month, beginning in August 2020, the Chief Financial Officer shall review the current monthly cash flow projections of the District, and if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement. Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83)).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the

District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of $1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

(1) An investment or obligation of the District as represented by the notes;

(2) An investment or obligation or program of investment; or

(3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1028. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the "defeasance escrow agent," in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1029. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the provisions of section 1027 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 1027(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 1027(g) applied immediately after the issuance.

Sec. 1030. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1031. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1032. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1033. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1034. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

TITLE XI. REVENUE BONDS

ENROLLED ORIGINAL

SUBTITLE A. STUDIO THEATER, INC.

Sec. 1101. Short title.

This subtitle may be cited as the "The Studio Theatre, Inc. Revenue Bonds Temporary Act of 2020".

Sec. 1102. Definitions.

For the purposes of this subtitle the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 422(6)).

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this subtitle.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which is liable for the repayment of the Bonds.

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

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

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

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization,

preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Renovating and expanding by approximately 2,780 gross square feet the Borrower's mixed-use theater complex located at 1501 14th Street, N.W., in Washington, D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of above grade improvements ("Theater Facility");

(B) Renovating certain residential facilities in Washington, D.C., owned by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179, Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W. (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W. (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, "Ancillary Facilities" and together with the Theater Facility, "Facilities");

(C) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facilities;

(D) Funding certain expenditures associated with the financing of the Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

(E) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1103. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $12,500,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facilities are located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of capital projects in the form of facilities used for the Borrower's operations and, in part, as a venue to produce contemporary theater and serve the community through artistic innovation, engagement, education and professional development (and property used in connection with or supplementing the foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1104. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $12,500,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1105. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

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

Sec. 1106. Sale of the Bonds.

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

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

governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

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

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

Sec. 1107. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1108. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 1109. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1110. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1107.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

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

Sec. 1111. District officials.

(a) Except as otherwise provided in section 1110(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the

Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec. 1112. Maintenance of documents.

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

Sec. 1113. Information reporting.

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

Sec. 1114. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1115. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1116. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.

Sec. 1121. Short title.

This subtitle may be cited as the "DC Scholars Public Charter School, Inc. Revenue Bonds Temporary Act of 2020".

Sec. 1122. Definitions.

For the purpose of this subtitle, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this subtitle.

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars Public Charter School, Inc., a corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

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

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

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

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

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Financing the acquisition of a leasehold interest in an existing school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the "Facility"), which Facility will be operated by the Borrower;

(B) Refinancing the outstanding amount of existing taxable loans and related expenses, the proceeds of which were used to finance improvements to the Facility;

(C) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(D) Paying capitalized interest with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds; and

(E) Paying allowable Issuance Costs.

Sec. 1123. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90), and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed $16,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary, and college and university facilities within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1124. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in the aggregate principal amount not to exceed $16,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1125. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

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

Sec. 1126. Sale of the Bonds.

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

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

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

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

Sec. 1127. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1128. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

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

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

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

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

Sec. 1129. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1130. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1127.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in, or omission from, the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1131. District officials.

(a) Except as otherwise provided in section 1130(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall

be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1132. Maintenance of documents.

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

Sec. 1133. Information reporting.

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

Sec. 1134. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in, or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1135. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1136. Severability.

If any particular provision of this subtitle, or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable

law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.

Sec. 1141. Short title.

This subtitle may be cited as the "Washington Housing Conservancy/WHC Park Pleasant LLC Revenue Bonds Temporary Act of 2020".

Sec. 1142. Definitions.

For the purposes of this subtitle, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be, individually or collectively, Washington Housing Conservancy, a non-profit corporation organized under the laws of the District of Columbia, and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole member of which is the Washington Housing Conservancy, both of which are exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the repayment of the Bonds.

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

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

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

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Acquiring and renovating real property, including a parcel of land comprising approximately 2.042 acres improved with approximately 69,910 square feet of residential rental property comprising 126 rental housing units and associated parking facilities located in Washington, D.C., commonly known as Park Pleasant Apartments with street addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant Street, N.W., 3351 Mt. Pleasant Street, N.W., 3331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively, "Facility");

(B) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facility;

(C) Funding certain expenditures associated with the financing of the Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

(D) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1143. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly

to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $28,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facility is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of housing, within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1144. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $28,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1145. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

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

Sec. 1146. Sale of the Bonds.

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

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

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

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

Sec. 1147. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1148. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

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

Sec. 1149. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1150. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1147.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

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

Sec. 1151. District officials.

(a) Except as otherwise provided in section 1150(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec. 1152. Maintenance of documents.

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

Sec. 1153. Information reporting.

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

Sec. 1154. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1155. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1156. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE D. NATIONAL PUBLIC RADIO, INC.

Sec. 1161. Short title.

This subtitle may be cited as the "National Public Radio, Inc., Refunding Revenue Bonds Temporary Act of 2020".

Sec. 1162. Definitions.

For the purpose of this subtitle, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be National Public Radio, Inc., a non-profit corporation organized and existing under the laws of the District of Columbia, and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

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

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

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

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

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of which were used to advance refund a portion of the District of Columbia Revenue Bonds (National Public Radio, Inc. Issue) Series 2010 (the "Series 2010 Bonds") and to pay Issuance Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office, production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C. 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

(B) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance Costs.

Sec. 1163. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the

costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed $210,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of education and contributes to the health, education, safety, or welfare of residents of the District within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1164. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in the aggregate principal amount not to exceed $210,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1165. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

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

Sec. 1166. Sale of the Bonds.

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

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

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

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

Sec. 1167. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1168. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 1169. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1170. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1167.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing

Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1171. District officials.

(a) Except as otherwise provided in section 1170(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec. 1172. Maintenance of documents.

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

Sec. 1173. Information reporting.

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

Sec. 1174. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on

the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1175. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1176. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.

Sec. 1181. Short title.

This subtitle may be cited as the "Public Welfare Foundation, Inc., Revenue Bonds Temporary Act of 2020".

Sec. 1182. Definitions.

For the purpose of this subtitle, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed or refinanced with proceeds from the Bonds, which shall be Public Welfare Foundation, Inc., a non-profit corporation organized and existing under the laws of the State of Delaware, duly authorized to transact business as a foreign corporation in the District of Columbia, and exempt from federal income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26. U.S.C. § 501(c)(3)).

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

(6) "Closing Documents" means all documents and agreements, other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds

and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

(8) "Financing Documents" means, the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document and any required supplements to any such documents.

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending to the Borrower of the proceeds from the sale, in one or more series, of the Bonds.

(12) "Project" means the financing, refinancing or reimbursing of the Borrower, on a tax exempt or taxable basis, for all or a portion of the Borrower's costs incurred in connection with the renovation of certain facilities of the Borrower located at 1200 U Street, N.W., Washington, D.C. (the "Building") in one or more phases and comprised of the following:

(A) Replacement of nearly all exterior windows of the Building and the repair of certain sheet metal and masonry;

(B) Soft costs, including architectural, engineering, and permitting fees, in connection therewith;

(C) Purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(D) Refinancing, in whole or in part, of existing indebtedness; and

(E) Certain expenditures associated therewith to the extent financeable, including, without limitation, Issuance Costs, credit costs, and working capital.

Sec. 1183. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,

refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue and refunding bonds, in one or more series, in an aggregate principal amount not to exceed $13,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the study, development, application, or production of social services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1184. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $13,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1185. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

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

Sec. 1186. Sale of the Bonds.

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

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

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

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

Sec. 1187. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1188. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 1189. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1190. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1187.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing

Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1191. District officials.

(a) Except as otherwise provided in section 1190(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec. 1192. Maintenance of documents.

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

Sec. 1193. Information reporting.

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

Sec. 1194. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on

the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1195. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1196. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

TITLE XII. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 1201. Repeals.

(a) The COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is repealed.

(b) The COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is repealed.

(c) The COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR 5050), is repealed.

(d) The Coronavirus Omnibus Emergency Amendment Act of 2020, effective May 13, 2020 (D.C. Act 23-317; 67 DCR 5235), is repealed.

(e) The Foreclosure Moratorium Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-318; 67 DCR 6591), is repealed.

(f) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, enacted on May 21, 2020 (D.C. Act 23-323; 67 DCR 6601), is repealed.

Sec. 1202. Applicability.

Titles I through XI of this act shall apply as of June 9, 2020.

Sec. 1203. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 1204. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 7, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to prohibit the District of Columbia government from discriminating, in employment, against an individual for participation in a medical marijuana program; and to amend the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to do the same.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Program Patient Employment Protection Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On June 18, 2019, the Council passed the Medical Marijuana Program Patient Employment Protection Emergency Amendment Act of 2019, enacted on July 8, 2019 (D.C. Act 23-77; 66 DCR 8089) ("first emergency act"), which expired on October 6, 2019.

(b) On July 9, 2019, the Council passed the Medical Marijuana Program Patient Employment Protection Temporary Amendment Act of 2019, effective October 4, 2019 (D.C. Law 23-26; 66 DCR 15182) ("first temporary act").

(c) On September 17, 2019, due to a delay in the transmission of the first temporary act, the Council passed the Medical Marijuana Program Patient Employment Protection Congressional Review Emergency Amendment Act of 2019, effective October 7, 2019 (D.C. Act 23-125; 66 DCR 13158), to prevent a gap in the law between the expiration of the first emergency act and the anticipated effective date of the first temporary act.

(d) The COVID-19 pandemic response interrupted the work on the permanent legislation, prompting the Council to pass, on May 18, 2020, the Medical Marijuana Program Patient Employment Protection Emergency Amendment Act of 2020, effective June 8, 2020 (D.C. Act 23-327; 67 DCR 7595) ("second emergency act"), to prevent a gap in the law, because the first temporary act was set to expire on June 5, 2020.

(e) On June 9, 2020, the Council passed the Medical Marijuana Program Patient Employment Protection Temporary Amendment Act of 2020, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-756) ("second temporary act"), to accompany the second emergency act.

(f) Due to the ongoing COVID-19 pandemic response and Congressional recess, the second temporary act is not anticipated to be in effect before September 6, 2020, when the second emergency act is set to expire.

(g) This congressional review emergency legislation is necessary to prevent a gap in the law between the expiration of the second emergency act and the anticipated effective date of the second temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Program Patient Employment Protection Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to amend, due to congressional review, the Office of Administrative Hearings Establishment Act of 2001 to extend the jurisdiction of the Office of Administrative Hearings to adjudicated cases involving certain civil violations relating to fare evasion and other unlawful conduct on passenger vehicles; to amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules - subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court for the District of Columbia

to the list of entities that shall receive from the Metropolitan Police Department information related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; and to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain violations of the act shall be punishable by civil fine and adjudicated by the Office of Administrative Hearings and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Firearms Safety Omnibus Clarification Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On April 7, 2020, the Council passed the Firearms Safety Omnibus Clarification Emergency Amendment Act of 2020, effective May 1, 2020 (D.C. Act 23-297; 67 DCR 5037) ("emergency act"), which will expire on July 22, 2020.

(b) On April 21, 2020, the Council passed the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, enacted on May 4, 2020 (D.C. Act 23-315; 67 DCR 5103) ("temporary act"), which is pending congressional review and projected to become law on September 10, 2020.

(c) On May 5, 2020, the Council passed the Ghost Guns Prohibition Congressional Review Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-324; 67 DCR 6721), which, in part, amended the emergency act to make it apply retroactively to April 23, 2020, in order to avoid a gap in the law after the expiration of the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-17; 66 DCR 8741), on April 23, 2020.

(d) This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act. It is identical to the temporary act with the exception that it contains language making it apply retroactively to July 22, 2020, the day the emergency act expires.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Firearms Safety Omnibus Clarification Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. CW40699 with Mercer Health & Benefits, LLC to provide actuarial consulting services for the Department of Healthcare Finance, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW40699 with Mercer Health & Benefits, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists a need to approve Contract No. CW40699 with Mercer Health & Benefits, LLC to provide actuarial consulting services for the Department of Healthcare Finance and to authorize payment for the goods and services received and to be received under the contract.

(b) By Modification No. 15, dated January 30, 2020, the Office of Contracting and Procurement, on behalf of the Department of Healthcare Finance, executed a partial Option Year 4 to Contract No. CW40699 with Mercer Health & Benefits, LLC for the period from February 1, 2020, through March 31, 2020, in the amount of $642,166.67.

(c) By Modification No. 16, dated February 14, 2020, the Office of Contracting and Procurement, on behalf of the Department of Healthcare Finance, extended the term of contract No. CW40699 from April 1, 2020, through April 30, 2020, for $321,083.34.

(d) By Modification No. 17, dated April 28, 2020, the Office of Contracting and Procurement, on behalf of the Department of Healthcare Finance, exercised the remainder of Option Year 4 of Contract No. CW40699 for the period from May 1, 2020, through January 31, 2021, in the amount of $2,889,749.50, bringing the total value of Option Year 4 to $3,853,000.

(e) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), as the value of the contract is more than $1 million during a 12-month period.

(f) Council approval of Contract No. CW40699 is necessary to allow the continuation of these vital services. Without this approval, Mercer Health & Benefits, LLC cannot be paid for

the services it provided in excess of $1 million for the period from February 1, 2020, through January 31, 2021.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW40699 with Mercer Health & Benefits, LLC Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 9 and 10 to Contract No. CW42156 with Advanced Data Processing, Incorporated to provide patient account management services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 9 and 10 to Contract No. CW42156 with Advanced Data Processing, Incorporated Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists a need to approve Modification Nos. 9 and 10 to Contract No. CW42156 with Advanced Data Processing, Incorporated, to provide patient account management services, and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 9, the Office of Contracting and Procurement, on behalf of the Fire and Emergency Medical Services Department, exercised a partial option of Option Year 4 from April 1, 2020, to June 30, 2020, in the amount of $883,998.75.

(c) Modification 10 is now necessary to exercise the remainder of Option Year 4 and increase the amount for Option Year 4 of Contract No. CW42156 to up to $3,535,995 for the period April 1, 2020, through March 31, 2021.

(d) Council approval is necessary as this will increase the value of the contract to one of more than $1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Advanced Data Processing, Incorporated cannot be paid for the goods and services provided in excess of $1 million for the period April 1, 2020, through March 31, 2021.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 9 and 10 to Contract No. CW42156 with Advanced Data Processing, Incorporated Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To appoint Councilmember Brooke Pinto to Council committees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 23 Committee Membership Resolution of 2020".

Sec. 2. Notwithstanding section 221 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272) ("Rules"), the Council appoints Councilmember Brooke Pinto to:

(1) The Committee on Business and Economic Development, established by section 232 of the Rules;

(2) The Committee on Facilities and Procurement, established by section 234 of the Rules;

(3) The Committee on the Judiciary and Public Safety, established by section 240 of the Rules; and

(4) The Committee on Transportation and the Environment, established by section 243 of the Rules.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare an emergency with respect to the need to require the Department of Insurance, Securities, and Banking to provide for the licensing of certain entities providing appraisal management services in the District of Columbia and to require an annual registration fee to be paid by those entities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Appraisal Management Company Regulation Emergency Declaration Resolution of 2020".

Sec. 2. (a) On July 9, 2019, the Council passed the Appraisal Management Company Regulation Emergency Act of 2019, effective July 31, 2019 (D.C. Act 23-110; 66 DCR 178), which expired on October 29, 2019.

(b) On September 17, 2019, the Council passed the Appraisal Management Company Regulation Temporary Act of 2019, effective November 26, 2019 (D.C. Law 23-29; 66 DCR 13124) ("Temporary Act"), which is set to expire on July 8, 2020.

(c) An identical second round of emergency and temporary legislation is necessary to prevent a gap in the law between the expiration of the Temporary Act and the passage of a corresponding permanent measure into law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Appraisal Management Company Regulation Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to symbolically designate 16th Street, N.W., between H Street N.W., and K Street N.W., in Ward 2, as Black Lives Matter Plaza.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Black Lives Matter Plaza Designation Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists an immediate need to designate the portion of 16th Street N.W., between H Street N.W., and K Street N.W., in Ward 2, as Black Lives Matter Plaza.

(b) In the summer of 2013, Alicia Garza, Patrisse Cullors, and Opal Tometi created Black Lives Matter in response to the acquittal of George Zimmerman of second-degree murder for the death of Trayvon Martin, who was on his way home from a convenience store when he was stalked, assaulted, and shot by Zimmerman.

(c) Black Lives Matter has been at the forefront of advocating for racial justice, including organizing protests, rallies, and other actions in response to the deaths of Eric Garner, Michael Brown, Tamir Rice, Freddie Gray, Sandra Bland, Alton Sterling, Philando Castile, and other Black men and women at the hands of police.

(d) The vestiges of slavery, segregation, and "separate but equal" treatment persist in our culture, laws, and institutions, leading to continued harm against Black communities in the form of discrimination and violence. Black Lives Matter is a rallying cry and social movement that affirms the worth of Black lives in a society in which Black life is devalued and criminalized.

(e) Despite the violence and discrimination that the Black community in the District of Columbia faces, its achievements and contributions to the social, cultural, and political landscape of the District are vast and include:

(1) Building the city in the late 18th century while in bondage;

(2) Leading efforts to abolish slavery, expand voting rights, and codify equal treatment under the law as a basic principle of America's founding documents;

(3) The success of Howard University, the only federally chartered historically Black college and one of the most prestigious colleges in the country;

(4) The founding of African American history as an academic field of study;

(5) The creation of "Black Broadway" on U Street, a thriving community of artists, musicians, and writers whose work has had a profound effect on America's culture;

(6) Laying the foundation for the modern civil rights movement;

(7) Creating the musical subgenre Go-go in the mid-to-late 1960's; and

(8) Leading the Statehood Movement, including the passage of the District of Columbia Home Rule Act.

(f) On May 25, 2020, George Floyd, a 46-year-old Black man in Minneapolis, was killed by a police officer who suffocated him with his knee, leading to a wave of protests across the country against racism and police brutality.

(g) In response to the protests in the District and across the country, and in recognition of the work that still needs to be done to ensure that Black lives do matter, Mayor Muriel Bowser stated publicly on June 5, 2020, that the portion of 16th Street N.W., between H Street N.W., and K Street N.W., should be designated as Black Lives Matter Plaza. The Council adopted the designation by emergency act as part of the Coronavirus Support Clarification Emergency Amendment Act of 2020, effective July 7, 2020 (D.C. Act 23-332; 67 DCR ___), but that legislation will expire on October 4, 2020.

(h) This designation re-affirms the value of the lives and legacy of the District's Black community and re-affirms our commitment to racial justice and equity.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Black Lives Matter Plaza Designation Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-454

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to extend the Mayor's authority to declare a public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Health Emergency Authority Extension Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor's Orders 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19, and on April 17, 2020, Mayor's Order 2020-063 extending the state of emergency and public health emergency. The Mayor's 135 days of authority to declare a public health emergency currently expires on July 24, 2020.

(b) To continue to limit certain activities that otherwise would contribute to the spread of COVID-19, it is necessary to extend the Mayor's authority to continue the public health emergency through October 9, 2020, affording the Council the time needed to reevaluate a number of policies triggered by the public health emergency that are contained in the Coronavirus Support Congressional Review Emergency Amendment Act of 2020, effective June 8, 2020 (D.C. Act 23-328; 67 DCR 7598).

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Public Health Emergency Authority Extension Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be, subject to an adverse immigration action or who has been exposed to COVID-19 to make short-term plans for a child without terminating or limiting that person's parental or custodial rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Standby Guardian Emergency Declaration Resolution of 2020".

Sec. 2. (a) In 2019, the Council enacted emergency and temporary legislation to expand the standby guardianship laws to enable a parent, legal guardian, or legal custodian to be able to make plans to protect the wellbeing of their children in advance of an adverse immigration action. The temporary legislation, the Standby Guardian Temporary Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23-30; 66 DCR 13135) ("standby guardian temporary legislation"), became law on November 26, 2019, and is set to expire on July 8, 2020.

(b) In 2020, the Council enacted emergency and temporary legislation to enable a parent, legal guardian, or legal custodian to be able to make plans to protect the wellbeing of their children in the event that they are unable to do so as a result of COVID-19. In doing so, the Council added additional language to provisions that the standby guardian temporary legislation had previously amended. The temporary legislation, section 504 of the Coronavirus Support Temporary Amendment Act of 2020, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758) ("COVID-19 standby guardian legislation"), passed on its final reading on June 9, 2020.

(c) Emergency legislation is necessary to ensure that the provisions of the standby guardian temporary legislation and the COVID-19 standby guardian legislation continue, without interruption, until permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Standby Guardian Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-456

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to require, for the length of the public health emergency and for 90 days thereafter, the tolling of all time periods for holders of a commercial policy of insurance to exercise their rights under the policy or District law for losses covered under the existing policy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commercial Insurance Claim Tolling Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor's Order 2020-046, declaring a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by COVID-19.

(b) As a result of the public health emergency, businesses across the District were forced to close or reduce operations to prevent the spread of COVID-19. Even now, as the District enters Phase 2 of the Reopen DC Plan, many businesses are restricted in how they may offer on-site services to residents, including occupancy limits, requirements for outdoor queueing, and other limitations tailored to protect the health and safety of residents.

(c) A number of businesses in the District carry commercial insurance policies that include coverage for business interruptions. This coverage replaces business income lost in event of a disaster or other unanticipated event; however, the specific events covered may differ from policy to policy. In addition to lost income, business interruption insurance typically also covers operating expenses, relocation costs, payroll, taxes, loan payments, and other related costs.

(d) Since the public health emergency began, businesses have reported that certain insurance carriers are universally denying business interruption claims and similar claims; to appeal these claims, business will be required to file suit against the insurer. Policies typically include terms in the fine print that set deadlines for notice, proof of loss forms, and responses to requests for information and documents.

(e) Due to financial and administrative hardships stemming from the public health emergency, a number of businesses may not have the resources to identify and meet these deadlines; certainly, many business owners sensibly have prioritized making payroll, paying rent,

and covering other day-to-day business expenses necessary to ensure the continuation of operations, rather than using their limited revenues to engage an attorney or other appropriate representative to review insurance policies and provide legal representation for a claim. In addition, certain deadlines may have passed, unknown to the policy holder, in the beginning weeks and months of the COVID-19 emergency, a time when business owners were unaware of the extent of the emergency and its impact on their businesses.

(f) The Council must act to ensure that arbitrary deadlines built into commercial insurance policies do not prohibit the District's struggling businesses from filing or appealing claims for losses due to business interruption. Tolling these deadlines for the length of the public health emergency, plus 90 days, will ensure that businesses are provided appropriate time to review their policies, file any claims, and meet requirements to appeal any claim denials.

(g) Emergency legislation is needed to require, for the length of the public health emergency and for 90 days thereafter, the tolling of all time periods for holders of a commercial insurance policy to exercise their rights under the policy or District law for losses covered under their existing policy.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Commercial Insurance Claim Tolling Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-457

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to amend section 47-802 of the District of Columbia Official Code to extend eligibility for the performing arts venue real property tax rebate program to certain businesses that host live performances by performing artists during tax year 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Performing Arts Promotion Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor declared a public health emergency in response to several presumptive and confirmed cases of the coronavirus ("COVID-19") in the Washington metropolitan region. On March 24, 2020, due to the increasing number of cases and the confirmed person-to-person spread of COVID-19, the Mayor issued Order 2020-053, requiring the on-site closure of all non-essential businesses and prohibiting large gatherings, thereby directly impacting businesses that host live performances by performing artists.

(b) Section 47-802(17)(A)(i) of the District of Columbia Official Code defines a qualified business for purposes of receiving the performing arts venue real property tax rebate pursuant to D.C. Official Code § 47-869 as one that hosts live performances by performing artists for a minimum of 48 hours per month.

(c) Due to COVID-19 and the public health emergency, under the current definition, no business will qualify for the rebate during tax year 2020.

(d) Funds from the rebate program are crucial to the financial well-being of these creative small businesses. The proposed emergency legislation amends the definition of qualified business to permit qualification for the tax rebate if a business hosts live performances for a minimum of 48 hours per month during at least 5 months of tax year 2020.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Performing Arts Promotion Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to provide immediate financial assistance to eligible businesses for the purposes of recovering from the public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Business Support Grants Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor's Order 2020-046, declaring a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents and businesses posed by COVID-19.

(b) As a result of the public health emergency, businesses across the District were forced to close or reduce operations to prevent the spread of COVID-19. Even now, as the District enters the next phases of the Reopen DC Plan, many businesses are restricted in their operations and many face permanent closure without immediate government assistance.

(c) One in every 4 businesses in the District face permanent closure, many of which are small and minority-owned businesses.

(d) Since the public health emergency began, businesses in the District have experienced among the largest share of revenue loss in the nation. Compared to early January, small businesses in the District, North Dakota, and Hawaii have experienced a revenue loss of over 60% on average since the March 13 declaration of the national emergency.

(e) Although the District, along with Florida and Nevada are among the most exposed to a small business revenue impact having experienced declines in revenue of over 50%, all 3 continue to have massive Paycheck Protection Program application backlogs, with fewer than 40% of applicants having received a loan.

(f) Recent scholarship, such as works from Brookings or the Center for Equitable Growth, highlight how investing in certain at-risk industry sectors is essential to economic recovery. The grants provided for in the emergency legislation are not only to assist businesses during recovery of the COVID-19 pandemic, but also, as the District and its businesses look to recover, to aid in restoring the District's local economy. The District must take immediate steps to remedy the harm that will befall businesses that fall within these categories as a result of this crisis.

(g) Unfortunately, to date, both local and federal programs designed to assist small businesses are either not reaching businesses that qualify as eligible businesses or will not be enough to sustain them throughout the duration of the COVID-19 crisis. At the federal level, Congress allocated an initial $350 billion to the Small Business Administration to issue loans of up to $10 million per business and up to $10,000 in emergency grants to cover operating expenses. Out of the $2.2 trillion coronavirus relief bill, Congress allocated just $10 million to the Minority Business Development Agency to support minority-owned firms, not even one percent of relief assistance.

(h) The Mayor's ReOpenDC Plan included a recommendation, to "[a]ddress the underlying structural disparities that contribute to racial/socioeconomic inequities in DC pre COVID-19, including access to capital and access to markets." The emergency legislation is essential in ensuring that equity is at the forefront in supporting local and historically underserved businesses and at-risk businesses within key industries.

(i) Emergency legislation is needed to ensure equitable recovery and that the businesses that help sustain the local economy and add to its cultural vibrancy are able to reopen and survive the pandemic.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Business Support Grants Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-463

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to establish guidelines to allow on-premises retailer's licensees, class C or D, and Convention Center food and alcohol establishments to resume and expand operations, and to establish safeguards to protect District residents and visitors while dining at these establishments in accordance with Phase Two of the District's Reopening plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Streatery Program and Pop Up Locations Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor's Orders 2020-45, and 2020-46, and on April 15, 2020, Order 2020-63, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19.

(b) As a result of COVID-19 and the Mayor's Orders issued in response to the pandemic, many District businesses have changed or ceased their business operations in whole or in part. To assist these businesses, while at the same time protecting the health, safety, and welfare of District residents, and visitors, the Council passed emergency legislation to establish guidelines that would allow these businesses to modify their business model or return to partial operation.

(c) Since declaring a public emergency and a public health emergency in March 2020, the Mayor has taken concerted steps to reopen the District so that businesses can safely return to operation.

(d) On May 27, 2020, the Mayor issued Mayor's Order 2020-67 announcing that the District had entered into Phase One of the District's Reopening plan. Among other things, in Phase One of the District's Reopening plan, restaurants and other on-premises licensees were permitted to serve seated patrons for dining on outdoor public or private spaces.

(e) On June 19, 2020, the Mayor issued Mayor's Order 2020-75, announcing that the District had entered into Phase Two of the District's Reopening plan. Mayor's Order 2020-75 superseded Mayor's Order 2020-67 by, among other things, allowing restaurants and other on-premises licensees to resume serving seated patrons for dining indoors as long as they comply with specific guidelines.

(f) Despite being allowed to resume operations at their licensed premises, many alcoholic beverage licensed establishments are struggling financially. The pandemic and the resulting closures have had a dire impact on these establishments. Many establishments have ceased operations, resulting in vacant stores throughout the District. To aid these establishments, on-premises licensees will be permitted, on a temporary basis, to offer beer, wine, or spirits for on-premises indoor consumption or in closed containers along with at least one prepared food item for carryout or delivery from up to 2 additional locations.

(g) The Mayor's Phase One of the District's Reopening plan allows restaurants and other on-premises licensees to serve patrons on outdoor public or private space. Many restaurants and on-premises licensees in the District do not currently have outdoor public or private spaces on their alcoholic beverage licenses. In an effort to assist these establishments, restaurants and other on-premises licensees shall be permitted to register with the Board to be allowed to sell beer, wine, or spirits, on a temporary basis, on expanded or new ground floor or street level outdoor public or private space for outdoor dining.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances making it necessary that the Streatery Program and Pop Up Locations Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to provide the taxable properties located in the Adams Morgan Business Improvement District an abatement of the Business Improvement District taxes assessed for the period October 1, 2020, through March 31, 2021.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adams Morgan BID Tax Emergency Declaration Resolution of 2020".

Sec. 2. (a) Section 206 of the Business Improvement District Act of 1996, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56), created the Adams Morgan Business Improvement District ("BID") and established the assessment rate for taxable properties located in the BID.

(b) In 2019, the Council enacted emergency and temporary legislation to enable the Board of the BID to amend its tax rate and bylaws – as other BIDs are able to do – subject to mayoral review and approval. In 2020, the Council enacted emergency and temporary legislation to keep this change in effect.

(c) The Board of the Adams Morgan BID approved by unanimous vote 2 resolutions, requesting the Council and Mayor, respectively, a waiver or abatement of the first half of fiscal year 2021 BID taxes for all of its members.

(d) The Adams Morgan BID Board is seeking relief from the first 6 months of fiscal year 2021 taxes for its members due to extraordinary circumstances caused by the COVID-19 pandemic and its effect on the small business community.

(e) While the legislation referenced in subsection (b) of this section remains in force, section 9 of the Business Improvement District Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.08), which outlines the process by which a BID may amend its tax rate with Mayoral approval, does not account for, nor permit, a one-time abatement of that tax being collected by the Office of Tax and Revenue.

(f) Emergency legislation is necessary to provide members of the Adams Morgan BID a one-time abatement of the first half of fiscal year 2021 taxes.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Adams Morgan BID Tax Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than 15 days. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004, Telephone: 724-8050 or online at http://www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

B23-0837	Stormiyah Denson-Jackson Race and Gender Economic Damages Equality Amendment Act of 2020 Intro. 07-06-2020 by Councilmember T. White and referred to the Committee on Judiciary and Public Safety
B23-0839	Earl Wright, Jr. Way Designation Act of 2020 Intro. 07-08-2020 by Councilmember Todd and referred to the Committee of the Whole
B23-0840	Ronald "Ron" Austin Memorial Park Designation Act of 2020 Intro. 07-08-2020 by Councilmember Todd and referred to the Committee of the Whole

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCE A
PUBLIC ROUNDTABLE ON

PR23-0685, THE "DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT JOHN FALCICCHIO CONFIRMATION RESOLUTION OF 2020"

PR23-0762, THE "ALCOHOLIC BEVERAGE CONTROL BOARD JAMES SHORT CONFIRMATION RESOLUTION OF 2020"

PR23-0763, THE "ALCOHOLIC BEVERAGE CONTROL BOARD REMA WAHABZADAH CONFIRMATION RESOLUTION OF 2020"

Thursday, July 16, 2020, 11:00 a.m.
Remote Hearing via Virtual Platform
Broadcast live on DC Council Channel 13
Streamed live at www.dccouncil.us and entertainment.dc.gov.

On Thursday July 16, 2020, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public roundtable to consider the following measures:

1. Proposed Resolution 23-0685, the "Deputy Mayor for Planning and Economic Development John Falcicchio Confirmation Resolution of 2020";
2. Proposed Resolution 23-0762, the "Alcoholic Beverage Control Board James Short Confirmation Resolution of 2020"; and
3. Proposed Resolution 23-0763, the "Alcoholic Beverage Control Board Rema Wahabzadah Confirmation Resolution of 2020"

Proposed Resolution 23-0685, the "Deputy Mayor for Planning and Economic Development John Falcicchio Confirmation Resolution of 2020" would confirm the Mayor's nominee, John Falcicchio, as Deputy Mayor for Planning and Economic Development ("DMPED"). Mr. Falcicchio has served as Interim Deputy Director for the agency since July 2019. Prior to this position, Mr. Falcicchio served as Chief of Staff to Mayor Bowser since the start of her Administration. As Chief of Staff, Mr. Falcicchio served the residence of the District by implementing policies and processes to achieve the Mayor's vision for the City, as well as overseeing all communications and outreach efforts for the District Government. In 2014, Mr. Falcicchio served as Transition Director to then Mayor-elect Bowser, leading the effort to form a new Administration. Finally, Mr. Falcicchio has previously served as Senior for President of DKC, a New York based public relations firm; as Regional Political Director for the Democratic National

Committee during the re-election of President Obama; and as a long-time aide to former Mayor Adrian Fenty.

Proposed Resolution 23-0762, the "Alcoholic Beverage Control Board James Short Confirmation Resolution of 2020" would confirm the Mayor's nominee, James Short, as a member of the Alcoholic Beverage Control Board ("ABC Board"). James Short has served on the ABC Board since October 2013. Mr. Short is a creative leader with broad-based knowledge and experience in management. Mr. Short retired from service at the District of Columbia Fire and Emergency Medical Service Department after 33 years on the force. During his tenure, Mr. Short served for over 12 years in the Fire Marshall's Office.

Proposed Resolution 23-0763, the "Alcoholic Beverage Control Board Rema Wahabzadah Confirmation Resolution of 2020" would confirm the Mayor's nominee, Rema Wahabzadah, as a member of the ABC Board. Rema Wahabzadah is a current member on the ABC Board. Ms. Wahabzadah is a lawyer and business consultant in the District of Columbia and current works with Cary Rx, a District based pharmaceutical start-up that offers on-demand prescription delivery to District residents and healthcare facilities. Prior to this positions, Ms. Wahabzhadah has previously worked as an Associate Attorney at Paul Strauss and Associates, PC. Ms. Wahabzhada has represented the District's residents and businesses, in addition to serving as Legislative Counsel to the Statehood Initiatives Agency, an agency dedicated to the achievement of statehood for DC. Ms. Wahabzadah is a volunteer member of the Legal Committee, which drafted the New Columbia Statehood Constitution.

Anyone wishing to testify on the virtual platform must sign up in advance by contacting the Committee by e-mail at BusinessEconomicDevelopment@dccouncil.us. Witnesses must provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **5:00 p.m. on July 13, 2020**. The Committee will follow-up with remote witnesses to provide additional instructions on how to provide testimony through the web conferencing platform. All public witnesses will be allowed a maximum of three minutes to testify. At the discretion of the Chair, the length of time provided for remote testimony may be reduced or extended.

Witnesses are encouraged to submit written or oral testimony in advance of this proceeding. Written testimony should be submitted by e-mail to BusinessEconomicDevelopment@dccouncil.us. Please indicate that you are submitting testimony for this proceeding in the subject line of the e-mail. Oral testimony should be submitted by phone by leaving a voicemail at (202) 430-5122. Please provide your name, phone number or e-mail, organizational affiliation, and title (if any) at the beginning of the message. The voicemail system limits oral testimony to three minutes and generates an automated transcript of the voicemail. **The record for this public roundtable will close at 5:00 p.m. on July 17, 2020**.

For accommodation requests, including spoken language or sign language interpretation, please inform the Committee by email of the need as soon as possible but no later than five (5) business days before the proceeding. The Council 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.

Please contact Justin Roberts, Committee Director for the Committee on Business and Economic Development, at jroberts@dccouncil.us for additional information on this proceeding.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

A GBM will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a GBM will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of the GBMs are available in the Legislative Services Division, Room 10.
Telephone: 724-8050

GBM 23-93: **FY 2020 Grant Budget Modifications of June 16, 2020**

RECEIVED: 2-day review begins July 10, 2020

GBM 23-94: **FY 2020 Grant Budget Modifications of June 23, 2020**

RECEIVED: 2-day review begins July 10, 2020

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on the measure listed below, to allow for those measure to be considered at the July 21, 2020 Additional Meeting of the Council, should there be an Additional Meeting. The abbreviated notice is necessary to allow the Council to act in a timely manner due to the urgency of the contracts

- CA23-0589 and the underlying proposed resolution, PR23-0851, the "Contract No. CFOPD-20-010A, Unclaimed Property Audit Services Approval Resolution of 2020";
- CA23-0590 and the underlying proposed resolution, PR23-0852, the "Contract No. CFOPD-20-C-010B, Unclaimed Property Audit Services Approval Resolution of 2020";
- CA23-0591 and the underlying proposed resolution, PR23-0853, the "Contract No. CFOPD-20-C-010C, Unclaimed Property Audit Services Approval Resolution of 2020";
- CA23-0592 and the underlying proposed resolution, PR23-0854, the "Contract No. CFOPD-20-C-010D, Unclaimed Property Audit Services Approval Resolution of 2020";
- CA23-0593 and the underlying proposed resolution, PR23-0855, the "Contract No. CFOPD-20-C-010E, Unclaimed Property Audit Services Approval Resolution of 2020";
- CA23-0594 and the underlying proposed resolution, PR23-0856, the "Contract No. CFOPD-20-010F, Unclaimed Property Audit Services Approval Resolution of 2020";
- CA23-0595 and the underlying proposed resolution, PR23-0857, the "Contract No. CFOPD-20-C-010G, Unclaimed Property Audit Services Approval Resolution of 2020"; and
- CA23-0596 and the underlying proposed resolution, PR23-0858, the "Contract No. CFOPD-20-C-010H, the Unclaimed Property Audit Services Approval Resolution of 2020"

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR23-861, the "Local Rent Supplement Program Contract No. 2010-LRSP-01A Approval Resolution of 2020", to allow for the proposed resolutions to be considered at a regular legislative meeting on July 21, 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. 23-110: Request to reprogram $5,778,414.00 of Fiscal Year 2020 Special Purpose Fund (6632) with the Office of the State Superintendent of Education (OSSE), Office of the District of Columbia Public Charter Board was filed in the Office of the Secretary on July 9, 2020. This reprogramming is needed to ensure that DCPCSN's budget is properly aligned to meet the agency's programmatic needs.

RECEIVED: 14-day review begins July 10, 2020

Reprog. 23-111: Request to reprogram $1,071,231.00 of Fiscal Year 2020 Dedicated Taxes Funds within the Office of the State Superintendent of Education (OSSE), Division of Health and Wellness was filed in the Office of the Secretary on July 10, 2020. This reprogramming ensures that OSSE's budget is properly aligned to support the objectives of the Healthy Schools Act for Health and Wellness.

RECEIVED: 14-day review begins July 13, 2020

Reprog. 23-112: Request to reprogram $750,000 of Fiscal Year 2020 Local Funds within the Department of Human Services was filed in the Office of the Secretary on July 10, 2020. This reprogramming enables DHS to cover the cost of the Supplemental Nutrition Assistance Program's reinvestment plan to bring the District of Columbia's Payment Error Rate in compliance with federal standards.

RECEIVED: 14-day review begins July 13, 2020

Reprog. 23-113: Request to reprogram $1,000,000 of Fiscal Year 2020 local funding within the Department of Public Works was filed in the Office of the Secretary on July 10, 2020. This reprogramming is needed to cover increased Overtime costs for the collection of solid waste due to vacancies.

RECEIVED: 14-day review begins July 13, 2020

Reprog. 23-114: Request to reprogram $4,676,868.41 of Fiscal Year 2020 Local budget authority within the Department of Behavioral Health was filed in the Office of the Secretary on July 10, 2020. This reprogramming is needed to support the Birth-to-Three Act of 2018 and school-based mental health services.

RECEIVED: 14-day review begins July 13, 2020

Reprog. 23-115: Request to reprogram $1,900,000 of Fiscal Year 2020 local funding within the Department of Public Works was filed in the Office of the Secretary on July 10, 2020. This reprogramming is needed to cover the increased costs of recycling in the District.

RECEIVED: 14-day review begins July 13, 2020

Reprog. 23-116: Request to reprogram $500,000 of Fiscal Year 2020 local funding within the Department of Public Works was filed in the Office of the Secretary on July 10, 2020. This reprogramming is needed to support increased overtime costs that are due to vacancies.

RECEIVED: 14-day review begins July 13, 2020

Reprog. 23-117: Request to reprogram $4,005,917.04 of Fiscal Year 2020 capital funding within the Department of Public Works was filed in the Office of the Secretary on July 10, 2020. This reprogramming is needed to re-classify DPW's fleet budget to align with agency's plan for vehicle purchases, while remaining within DPW's vehicle replacement scheduled in the Capital Asset Replacement Scheduling System (CARSS).

RECEIVED: 14-day review begins July 13, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
6/26/2020

****CORRECTION**

Notice is hereby given that:
License Number: ABRA-112294 **License Class/Type: C Tavern**
Applicant: ADBHS, LLC
Trade Name: Electric Cool-Aid
ANC: 6E02

Has applied for the renewal of an alcoholic beverage license at the premises:
512 RHODE ISLAND AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
8/31/2020

A HEARING WILL BE
9/14/2020

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

****ENDORSEMENT(S): Summer Garden**

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 10:30 pm	11 am - 10:30 pm
Monday:	11 am - 10:30 pm	11 am - 10:30 pm
Tuesday:	11 am - 10:30 pm	11 am - 10:30 pm
Wednesday:	11 am - 10:30 pm	11 am - 10:30pm
Thursday:	11 am - 10:30 pm	11 am - 10:30 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday:	11 am - 10:30 pm	11 am - 10:30 pm
Monday:	11 am - 10:30 pm	11 am - 10:30 pm
Tuesday:	11 am - 10:30 pm	11 am - 10:30 pm
Wednesday:	11 am - 10:30 pm	11 am - 10:30 pm
Thursday:	11 am - 10:30 pm	11 am - 10:30 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
6/26/2020

****RESCIND**

Notice is hereby given that:
License Number: ABRA-112294 **License Class/Type: C Tavern**
Applicant: ADBHS, LLC
Trade Name: Electric Cool-Aid
ANC: 6E02

Has applied for the renewal of an alcoholic beverage license at the premises:
512 RHODE ISLAND AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
8/31/2020

A HEARING WILL BE
9/14/2020

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

ENDORSEMENT(S): **Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	**Hours of Entertainment
Sunday:	11 am - 10:30 pm	11 am - 10:30 pm	11 am - 10:30 pm
Monday:	11 am - 10:30 pm	11 am - 10:30 pm	11 am - 10:30 pm
Tuesday:	11 am - 10:30 pm	11 am - 10:30 pm	11 am - 10:30 pm
Wednesday:	11 am - 10:30 pm	11 am - 10:30pm	11 am - 10:30 pm
Thursday:	11 am - 10:30 pm	11 am - 10:30 pm	11 am - 10:30 pm
Friday:	11 am - 12 am	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am	11 am - 12 am

	Hours of Summer Garden	Hours of Sales Summer Garden
Sunday:	11 am - 10:30 pm	11 am - 10:30 pm
Monday:	11 am - 10:30 pm	11 am - 10:30 pm
Tuesday:	11 am - 10:30 pm	11 am - 10:30 pm
Wednesday:	11 am - 10:30 pm	11 am - 10:30 pm
Thursday:	11 am - 10:30 pm	11 am - 10:30 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	June 19, 2020
Protest Petition Deadline:	August 24, 2020
Roll Call Hearing Date:	September 8, 2020
License No.:	ABRA-116067
Licensee:	The Culinary District, LLC
Trade Name:	TBD
License Class:	Retailer's Class "C" Tavern
Address:	1914 9th Street, N.W.
Contact:	Richard Bianco, Esq.: (202) 461-2400

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on September 8, 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 CHANGES
Applicant requests to change hours of operation and alcoholic beverage sales, service, and consumption. Applicant is requesting to increase the Total Occupancy Load of the entire establishment from 76 to 201. Applicant is also requesting to add a Summer Garden Endorsement with 40 seats and an occupancy load of 76.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday through Thursday 12pm – 2am
Friday and Saturday 12pm – 3am

CURRENT HOURS LIVE ENTERTAINMENT
Thursday through Saturday 8pm – 2am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND SUMMER GARDEN)
Sunday through Thursday 10am – 2am
Friday and Saturday 10am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 10, 2020
Protest Petition Deadline:	September 14, 2020
Roll Call Hearing Date:	September 28, 2020

License No.:	ABRA-115604
Licensee:	The Lane Hecht Warehouse, LLC
Trade Name:	The Lane
License Class:	Retailer's Class "C" Restaurant
Address:	1408 Okie Street N.E.
Contact:	Molly Nizhnikov: (757) 749-3078

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on September 28, 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 CHANGES

Applicant requests a Change of Hours both indoors and outdoors and also requests to add an Entertainment Endorsement.

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

Sunday 9am – 6pm, Monday through Thursday 10am – 8pm, Friday and Saturday 10am – 9pm

PROPOSED HOURS OF OPERATION, HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES AND OUTDOORS IN SUMMER GARDEN

Sunday through Saturday 9am – 12am

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT

Fiscal Year 2021 (FY 2021) Low Income Home Energy Assistance Program (LIHEAP) Draft State Plan

The Department of Energy and Environment (the Department) invites the public to present its comments in writing or at a virtual public hearing on the FY 2021 Draft State Plan for the Low Income Home Energy Assistance Program (LIHEAP).

Public Hearing

HEARING DATE:	**Wednesday, August 19, 2020**
TIME:	**11:00 am**
VIRTUAL MEETING LINK:	**Meeting number: 160 893 5880** **Password: 4J9yPysvAy3** **https://dcnet.webex.com/dcnet/j.php?MTID=mfea05024 18c5156f27ec874aa6ead3bf**
PHONE:	**1-650-479-3208 Call-in toll number (US/Canada)** **Access code: 160 893 5880**

Beginning July 17, 2020, the full text of the **FY 2021 Draft LIHEAP State Plan** will be available online at the Department's website. A person may obtain a copy of the Draft LIHEAP State Plan by any of the following means:

Download from the Department's website, doee.dc.gov/liheap. Look for "LIHEAP FY21 Draft State Plan" near the bottom of the page. Follow the link to the page, where the document can be downloaded in a PDF format.

Email a request to LIHEAP.StatePlan@dc.gov with "Request copy of FY 2021 Draft State Plan" in the subject line.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Kenley Farmer RE: FY21 Draft LIHEAP State Plan" on the outside of the envelope.

The deadline for comments is at the conclusion of the public hearing. All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of "FY 2021 Draft LIHEAP State Plan", to LIHEAP.StatePlan@dc.gov. Comments clearly marked "FY 2021 Draft LIHEAP State Plan" may also be hand delivered or mailed to the Department's offices at the

address listed above. All comments should be received no later than the conclusion of the public hearing. The Department will consider all comments received in its final decision.

Filename: 00 4992 liheap draft plan dc register notice fy21

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JULY 22, 2020
Virtual Hearing via WebEx

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD FIVE

20053 ANC 5C — **Application of District Properties.com Inc**, 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-1-B Zone at premises at 2433 Girard Place, N.E. (Parcel 155/7).

WARD EIGHT

20257 ANC 8B — **Application of NCRC Erie Street LLC**, pursuant to 11 DCMR Subtitle X, Chapters 9, for a special exception under the Voluntary Inclusionary Zoning modifications of Subtitle C § 1001.2(b)(3) and Subtitle D § 5206.2, to subdivide the vacant property into eight lots and construct eight single-family row homes in the R-3 at premises of the 1500 block of Erie Street, S.E. (Square 5828, Lots 20-24).

WARD THREE

20259 ANC 3C — **Application of Federal Realty**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle H § 1200 from the designated use requirements of Subtitle H § 1101.3(a), to permit a financial services use in the NC-3 Zone at premises 3501-3527 Connecticut Avenue, N.W. (Square 2222, Lot 15).

WARD THREE

20182 ANC 3G — **Appeal of Nancy Stanley**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on August 22, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1909479, to permit the construction of a 3-story addition, an alteration and repair of an existing cellar, and the construction of a new accessory dwelling unit in the R-1-B Zone at premises 5039 Reno Road N.W. (Square 1877, Lot 18).

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/ or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzasubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

Do you need assistance to participate?

Americans with Disabilities Act (ADA)

If you require an auxiliary aide or service in order to participate in the public hearing under Title II of the ADA, please contact Zelalem Hill at (202) 727-0312 or Zelalem.Hill@dc.gov. In order to ensure any requested accommodations can be secured by the scheduled hearing, please contact Ms. Hill as soon as possible in advance of that date.

Language Access

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese
您需要有人帮助参加活动吗？

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French
Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean
참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish
¿Necesita ayuda para participar?
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Vietnamese
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, MEMBER
VACANT, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: **Thursday, October 1, 2020, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date[1]

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 20-14 (VNO South Capitol, LLC and Three Lots in Square 649, LLC – Design Review @ Square 649, Lots 43, 44, 45, and 48 [5 M Street, S.W.])

THIS CASE IS OF INTEREST TO ANC 6D

VNO South Capitol, LLC and Three Lots in Square 649, LLC (together, the "Applicant") filed an application (the "Application") on June 22, 2020, pursuant to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) requesting review and approval by the Zoning Commission for the District of Columbia (the "Commission") for design review as required by the provisions of Subtitle I, Section 616.8 and Chapter 7 for Lots 43, 44, 45, and 48 in Square 649, with an address of 5 M Street, S.W. (the "Property").

The Property includes approximately 75,656 square feet of land area and comprises approximately 75% of Square 649 in southwest Washington, D.C. (Ward 6). The Property is located in the D-5 zone and the M and South Capitol Streets Sub-Area.

The Application proposes to develop the Property with a new mixed-use project with residential, office, and ground floor retail uses (the "Project") and requests flexibility to substitute the proposed office uses for residential uses (the "Residential Alternative"), as follows:

	Application	Residential Alternative
Residential Use (approximate)	371 units	688 units
Office Use (approximate)	226,132 square feet	--
Retail Use (approximate)	25,427 square feet	23,580 square feet
Floor Area Ratio (FAR) (approximate)	7.7	9.1
Maximum Building Height	130 foot with setbacks at 110 feet	

If the Residential Alternative were used, the Project's proposed architectural design would be refined as shown on the architectural drawings submitted with the Application. The Application also requests more limited flexibility with the final use mix for the pavilion at M and Half Streets, S.W.

[1] Anyone who wishes to participate in this case but cannot do so via WebEx or telephone may submit written comments to the record. (See p. 2, *How to participate as a witness – written statements.*)

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Applicant and parties in support	60 minutes collectively
2.	Parties in opposition	60 minutes collectively
3.	Organizations	5 minutes each
4.	Individuals	3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from OZ's website at: https://app.dcoz.dc.gov/Help/Forms.html.**

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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您需要有人帮助参加活动吗？如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-0096; 61 DCR 3751 (April 11, 2014)) (the Act), hereby gives notice of the adoption of the following new Chapter 107 of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), entitled "Dentist and Dental Facility Certification to Administer Sedation or General Anesthesia," and adoption of the following amendments to Chapter 42 (Dentistry) of Title 17 DCMR.

The adoption of Chapter 107 is necessary to implement Section 102(e) of the Act; D.C. Official Code § 3-1202.01(b), which authorizes the Board of Dentistry to issue certifications to dentists and dental facilities for the administration of sedation or general anesthesia.

This rulemaking was published in the *D.C. Register* on March 13, 2020 at 67 DCR 02902.

The Department received two (2) comments in response to the notice. The District of Columbia Board of Dentistry considered the comments at its regularly scheduled meeting on May 20, 2020.

Michael D. Silverman, DMD, of DOCSEducation.com, commented that eliminating the oral conscious sedation permit would decrease access to dental care, the training hours were "beyond what most conservative ADA Guidelines suggest," that the proposed changes would not prevent patient harm, and advocated for two levels of minimal sedation. The Board did not agree with the commenter and did not find that he provided sufficient basis to amend the proposed rulemaking. The comment erroneously states that the rulemaking eliminates the oral conscious sedation permit. However, there is no current oral conscious sedation permit for dentists in the District of Columbia. The rulemaking will implement certification requirements, because under the former requirement there was no requirement for dentists to prove that they were properly trained and certified to administer any level of anesthesia in the District of Columbia. It was all on the honor system. The remainder of the comment letter from DOCSEducation.com discussed DOCSEducation.com training programs and courses.

Pierre M. Cartier, DMD, of the District of Columbia Dental Society (DCDS), commented that the majority of the stakeholders in the proposed rulemaking: The DC Society of Oral and Maxillofacial Surgeons, and the DCDS, support and praise the DC Department of Health's efforts to protect the citizens of the District of Columbia. He commented that DCDS believes that the majority of the document is in concert with accepted principles and practices of those who already provide anesthesia services. He further commented that the proposed rulemaking should be aimed at pediatric and general dentist offices and stated that the proposed rulemaking was unnecessary for oral and maxillofacial surgeons. He further provided wordsmithing comments, suggested that the term of the certification be changed from four (4) years to five (5) years, commented that Pediatric Advanced Life Support should be suggested but not required, suggested adding capnography for all levels of sedation, stated that the competency examination and clinical evaluation were unnecessary, and stated that requiring at least one other personnel in the office to have ACLS or

PALS accreditation was excessive and impractical. The Board did not agree with the commenter and did not find that he provided sufficient basis to amend the proposed rulemaking. The Board has worked closely with the stakeholders over the past three (3) to four (4) years to draft this rulemaking, which included reviewing and incorporating best practices from other states and industry guidelines.

The Board voted to recommend that the Director of the Department of Health publish the rulemaking as proposed without any changes. No changes have been made to the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 107, DENTIST AND DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is added as follows:

CHAPTER 107 DENTIST AND DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

Secs.

10700 GENERAL PROVISIONS

10700.1 This chapter applies to all applicants and holders of a dentist or dental facility certification to administer general or sedation anesthesia.

10700.2 The use of nitrous oxide or local anesthesia by a dentist is governed by Chapter 42 (Dentistry) of Title 17 of the District of Columbia Municipal Regulations and is not governed by this chapter.

10700.3 The administration of anesthesia and sedation by dentists in hospitals licensed in good standing in the District of Columbia is not governed by this chapter.

10700.4 No applicant or holder of a dentist or dental facility certification shall administer anesthesia or sedation in a mobile unit or in a temporary structure.

10700.5 A dentist shall not administer anesthesia or sedation unless the dentist has obtained the appropriate certification or provisional certification for each location.

10700.6 A dentist shall notify the Board in writing, and surrender his or her certification, within thirty (30) days of ceasing to administer anesthesia or sedation at a location.

10700.7 The Board shall maintain a record of each location for which a dentist has been issued a certification to administer anesthesia or sedation.

10700.8 Chapter 40 (Health Occupations: General Rule), 41 (Health Occupations Administrative Procedures), and 42 (Dentistry) of Title 17 of the District of Columbia Municipal Regulations shall supplement this chapter.

10701 ANXIOLYSIS

10701.1 A dentist is not required to obtain a certification under this chapter to administer anxiolysis.

10701.2 The administering, prescribing, or dispensing of more than one type of sedative, narcotic, class of drug, or medication for the purpose of anesthesia to be taken the evening before a procedure, or the morning of a procedure, is not anxiolysis and shall require the appropriate anesthesia or sedation certification.

10701.3 A dentist who intends to administer anxiolysis shall indicate the intent to administer anxiolysis in the patient's records.

10701.4 A dentist who administers anxiolysis shall not administer a dose that is inappropriate for a patient's:

(a) Age;

(b) Weight;

(c) Medical condition;

(d) Infirmities; or

(e) Other propensities.

10701.5 Medications used to produce anxiolysis shall not exceed current limits set by the manufacturer for unmonitored use by the individual.

10701.6 A dentist who administers anxiolysis shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia.

10702 TERM OF CERTIFICATION

10702.1 After July 1, 2021, only a dentist who holds an appropriate Class I, II, or III certification or provisional certification issued by the Board may administer an anesthetic technique in order to attain a level beyond anxiolysis for the practice of dentistry.

10702.2 A dentist or dental facility's certification to administer sedation or general anesthesia issued pursuant to this chapter shall expire at 12:00 midnight of December 31st every fourth (4th) year beginning 2025.

10702.3 An itinerant provider permit issued pursuant to this chapter shall expire at 12:00 midnight of December 31st every fourth (4th) year beginning 2025.

10702.4 To ensure the continuity of care, the Board may issue provisional certifications as set forth in this chapter. However, beginning January 1, 2026, the Board shall no longer issue provisional certifications for dental certifications or dental facility certifications. A full certification shall be required for the administration of anesthesia and sedation in the District of Columbia.

10702.5 If the Director changes the renewal system pursuant to Subsection 4006.3 of Chapter 40 of this title, a certification issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the certification, or other date established by the Director.

10703 CLASSIFICATION OF CERTIFICATIONS

10703.1 The following certifications shall be issued by the Board:

(a) A Class I certification shall authorize a dentist or dental facility to administer:

(1) Moderate sedation.

(b) A Class II certification shall authorize a dentist or dental facility to administer:

(1) Deep sedation; and

(2) Any procedure allowed under a Class I certification.

(c) A Class III certification shall authorize a dentist or dental facility to administer:

(1) General anesthesia; and

(2) Any procedure allowed under a Class I, or Class II certification.

(d) A provisional certification for any of the certifications set forth in subparagraphs (a) through (c) of this subsection.

10704 QUALIFICATIONS FOR AN INDIVIDUAL OBTAINING A DENTAL CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10704.1 Because sedation is a continuum, it is not always possible to predict how an individual patient will respond. Therefore, dentists and dental facilities intending to produce a given level of sedation shall have the training, skills, and knowledge to be able to recover, manage, and/or reverse as indicated patients whose level of sedation becomes deeper than initially intended, and shall meet the following requirements:

(a) Holders of a Class I dentist or dental facility certification shall be able to recover, manage, and/or reverse patients who enter a state of moderate or deep sedation;

(b) Holders of a Class II dentist or dental facility certification shall be able to recover, manage, and/or reverse patients who enter a state of moderate or deep sedation, or general anesthesia; and

(c) Holders of a Class III dentist or dental facility certification shall be able to recover, manage, and/or reverse patients who enter a state of moderate or deep sedation, or general anesthesia.

10704.2 To qualify for a Class I dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

(a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d);

(b) Is currently licensed to practice dentistry in the District of Columbia;

(c) Successfully passed the Dental Sedation/Anesthesia Competency Assessment Exam required in § 10705 of this chapter for the specific level of sedation for the level of certification sought;

(d) Successfully passed the clinical evaluation required in § 10705 of this chapter;

(e) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and

(f) Has successfully completed a Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in moderate sedation; or

(g) Has successfully completed a postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage moderate sedation; or

(h) Has successfully completed a Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate sedation.

10704.3 To qualify for a Class II dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

(a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d);

(b) Is currently licensed to practice dentistry in the District of Columbia;

(c) Successfully passed the Dental Sedation/Anesthesia Competency Assessment Exam required in § 10705 of this chapter for the specific level of sedation for the level of certification sought;

(d) Successfully passed the clinical evaluation required in § 10705 of this chapter;

(e) Successfully completed an on-site facility inspection evaluation conducted by an organization recognized by the Board;

(f) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and

(g) Has successfully completed a Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in deep sedation; or

(h) Has successfully completed a postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage deep sedation; or

(i) Has successfully completed a Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage deep sedation.

10704.4 To qualify for a Class III dental certification, all applicants without exception shall furnish proof satisfactory to the Board that the applicant:

(a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated;

(b) Is currently licensed to practice dentistry in the District of Columbia;

(c) Successfully passed the clinical evaluation required in § 10705 of this chapter;

(d) Holds current certification in Advanced Cardiac Life Support (ACLS), and if sedating patients twelve (12) years of age or under, shall also have a

current certification in Pediatric Advanced Life Support (PALS), both of which the applicant may not allow to expire; and

(e) Has successfully completed a Board-approved course of instruction that documents training of at least one hundred and twenty (120) hours of didactic instruction plus management of at least twenty (20) dental patients, of which not more than five (5) may be simulated, per participant in general anesthesia; or

(f) Has successfully completed a postdoctoral training program accredited by the Commission on Dental Accreditation or its successor organization that affords comprehensive and appropriate training necessary to administer and manage general anesthesia; or

(g) Has successfully completed a Board-approved postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage general anesthesia.

10704.5 To protect the continuity of patient care, an applicant for any Class of dental certification who does not meet all of the requirements for certification at the time of submitting the application may apply for a provisional certification.

10704.6 Except as provided in § 10702.4 of this chapter, the Board may approve a provisional certification, not to exceed one (1) year, if the Board finds that the applicant substantially meets the requirements for a certification, and can be reasonably expected to satisfy the outstanding requirements within one (1) year.

10704.7 The Board may approve an extension, not to exceed six (6) months, of a provisional certification if good cause is found, such as circumstances beyond the control of the applicant. However, the Board shall not approve the renewal of a provisional certification for an applicant who has not demonstrated a good faith effort to fully satisfy the requirements for certification, such as failing to take actions within the applicant's control.

10704.8 In addition to the requirements outlined in this chapter, before sedating patients twelve (12) years of age or under, a dentist shall have completed a formal residency training program, such as oral and maxillofacial surgery, pediatric dentistry, and dental anesthesiology, or an equivalent training program or course(s), acceptable to the Board.

10704.9 In addition to the requirements outlined in this chapter, an applicant for a dental certification to administer sedation or general anesthesia shall:

(a) Receive a successful evaluation by the Board or its designee;

(b) Provide an affidavit to the Board indicating whether the applicant has ever had an incident while treating a patient under general anesthesia; and

(c) Submit any other pertinent documents or information requested by the Board.

10704.10 An affidavit provided to the Board under § 10704.9(b) of this chapter shall include the following:

(a) The date of the incident;

(b) The name, age, and address of the patient;

(c) The type of anesthesia and dosages of drugs administered to the patient;

(d) The location where the incident took place;

(e) The techniques used in administering the drugs;

(f) The preoperative physical condition of the patient;

(g) The name and contact information of all other persons present during the incident;

(h) The patient's original complete dental records;

(i) Any adverse occurrence including:

(1) The patient's signs and symptoms;

(2) The treatments instituted in response to adverse occurrences;

(3) The patient's response to the treatment; and

(4) The patient's condition on termination of any procedures undertaken; and

(j) A narrative description of the incident, including approximate times, the evolution of symptoms, and the outcome of the incident.

10705 COMPETENCY EXAMINATION, CLINICAL EVALUATION, AND ON-SITE INSPECTION

10705.1 In order to receive a certification for a Class I, II, or III certification, the dentist who will perform the administration shall pass prior to receiving a certification from the Board the following:

(a) The Dental Sedation/Anesthesia Competency Assessment Exam for the specific level of sedation for the level of certification sought that is administered by an organization recognized by the Board; and

(b) A clinical evaluation conducted by an organization recognized by the Board, consistent with the age level of the patients treated by the dentist, which shall include a demonstration of:

(1) The administration to a patient who is receiving dental treatment of the type of anesthesia or sedation for which the dentist is applying for a certification;

(2) Simulated emergencies in the surgical area of the dental office with participation by the members of the staff who are trained to handle emergencies;

(3) A dental procedure utilizing the type of anesthesia or sedation for which the dentist is applying for a certification;

(4) Any anesthesia or sedation technique that is routinely employed during the administration of anesthesia or sedation;

(5) The appropriate monitoring of a patient during anesthesia or sedation; and

(6) The observation of a patient during recovery and the time allowed for recovery.

10705.2 The dentist who will perform the administration shall undergo an on-site physical facility inspection of the facility conducted by an organization recognized by the Board, of the facility's equipment, and the credentials of the personnel to determine if the personnel, equipment, and facility requirements have been met.

10705.3 The clinical evaluation required by § 10705.1(b) of this chapter shall require the participation of the clinical office staff, and shall include evaluating the treatment of at least the following:

(a) Laryngospasm;

(b) Foreign body airway obstruction;

(c) Emergency airway management;

(d) Emesis and aspiration;

(e) Acute allergic reaction;

(f) Bronchospasm;

(g) Angina;

(h) Conditions requiring advanced cardiac life support, including:

(1) Bradycardia;

(2) Tachycardia;

(3) Ventricular fibrillation;

(4) Cardiac arrest;

(5) Hypotension;

(6) Hypoglycemia;

(7) Hypertension;

(8) Seizure;

(9) Syncope; and

(10) Venipuncture complications.

10705.4 The clinical evaluator shall hold a certification at the same or higher level as the certification sought by the applicant being evaluated.

10705.5 To the extent practicable, the clinical evaluator shall provide the results of the evaluation to the Board in writing within seven (7) days of an applicant's evaluation.

10705.6 The Board shall:

(a) Review the results of the evaluation; and

(b) Notify the applicant of the results in a timely manner.

10705.7 If requested, an applicant shall be provided with a copy of the evaluation provided to the Board.

10705.8 The applicant shall be responsible for all evaluation, inspection, and examination costs.

10706 APPLICATION FOR AN INDIVIDUAL DENTAL CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10706.1 To apply for a Class I, Class II, or Class III Individual dental certification, an applicant shall:

(a) Submit a completed application to the Board on the required forms and include:

(1) The applicant's social security number on the application;

(2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin

(b) Submit a copy of his or her current license with the application;

(c) Submit the name and address of each location where the dentist intends to administer anesthesia or sedation;

(d) Identify all forms of anesthesia or sedation for which the dentist is seeking certification;

(e) Submit proof of having successfully passed the clinical evaluation required by § 10705 of this chapter.

(f) Pay all the required fees; and

(g) Submit all required supporting documents.

10707 QUALIFICATIONS FOR OBTAINING A DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10707.1 In addition to the other requirements in this chapter, to obtain a Class I, Class II, or Class III dental facility certification, each facility in which the dentist wishes to administer an anesthesia technique shall pass a facility evaluation in order to attain:

(a) A level beyond anxiolysis;

(b) Moderate sedation; or

(c) Deep sedation and general anesthesia.

10707.2 Except as otherwise provided in this regulation, to qualify for a certification, the facility and the applicant shall pass an evaluation of facility equipment,

medications, and clinical records to include at least the following and ensure that they are properly utilized and maintained:

(a) Oxygen and gas delivery system, backup system fail-safe;

(b) Gas storage facility;

(c) Safety indexed gas system;

(d) Suction and appropriate backup system;

(e) Auxiliary lighting system;

(f) Suitability of operating room:

(1) Size;

(2) Lighting;

(3) Communications; and

(4) EMT accessibility;

(g) Recovery area, including oxygen, suction, and visual and electronic monitoring, which may include the operating room;

(h) Appropriate emergency drugs;

(i) Nonexpired drugs;

(j) Appropriate devices to maintain an airway with positive pressure ventilation;

(k) Appropriate preoperative medical history and physical evaluation forms;

(l) Appropriate anesthesia records, including monitoring and discharge records;

(m) Monitoring equipment, including pulse oximeter and blood pressure monitoring;

(n) Anesthesia and monitoring equipment to ensure they are in proper working order;

(o) Defibrillator or automated external defibrillator (AED) for adult patients;

(p) For Class I certifications:

(1) Pulse oximeter;

(2) A capnograph measuring device; and

(3) An electrocardiogram (ECG) may be used, however, continuous ECG monitoring shall be used for patients with significant cardiovascular disease;

(q) For Class II and Class III certifications:

(1) An electrocardiogram (ECG);

(2) A capnograph measuring device; and

(3) Pulse oximeter;

(r) For moderate or deep sedation, or general anesthesia in pediatric patients:

(1) Pulse oximeter;

(2) A capnograph; and

(3) Continuous ECG monitoring.

10707.3 The dentist who will perform the administration and the dentist's staff shall be present in the operatory during the evaluation.

10707.4 An applicant for a dental facility certification shall not transport anesthesia or sedation equipment from one dental office to another for facility examination purposes.

10707.5 A Board authorized evaluator shall hold a certification at the same or higher level as the certification sought by the applicant being evaluated.

10707.6 To the extent practicable, a Board authorized evaluator shall provide the results of the evaluation to the Board in writing within seven (7) days of an applicant's evaluation.

10707.7 The Board shall:

(a) Review the results of the evaluation; and

(b) Notify the applicant of the results in a timely manner.

10707.8 If requested, an applicant shall be provided with a copy of the evaluation provided to the Board.

10707.9 An applicant who fails either an administration evaluation or a facility evaluation twice shall be required to pay a fee equal to the renewal fee for the certification sought by the applicant before either the third evaluation or any subsequent evaluations.

10707.10 A dentist who has passed an administration and facility evaluation for a Class I, Class II, or Class III certification may receive the same type of certification for another facility or facilities if:

(a) The dentist holds an active Class I, Class II, or Class III certification for which the dentist has passed an administration and facility evaluation; and

(b) Each facility for which the dentist seeks another certification has at least one dentist who has passed an administration and facility evaluation for that type of certification at that location within two (2) years of the date of application for the additional certification.

10707.11 Alternatively, an applicant who has passed an administration and facility evaluation for a Class I, Class II, or Class III certification may receive the same type of certification for another facility or facilities if:

(a) The dentist holds an active Class I, Class II, or Class III certification for which the dentist has passed an administration and facility evaluation; and

(b) The dentist seeking the additional certification:

(1) Is present during a facility evaluation at which the dentist and the dentist's staff pass a facility evaluation; and

(2) Passes an evaluation, appropriate for the certification level, that includes simulated management of emergencies with the participation of the clinical office staff trained to handle emergencies.

10707.12 In addition to the requirements of §§ 10707.10 and 10707.11 of this subchapter, the dentist seeking the additional certification or certifications shall:

(a) Submit an application to the Board on a form provided by the Board; and

(b) Pay the appropriate fee.

10708 APPLICATION FOR A DENTAL FACILITY CERTIFICATION TO ADMINISTER SEDATION OR GENERAL ANESTHESIA

10708.1 To apply for a Class I, Class II, or Class III dental facility certification, an applicant shall:

(a) Submit a completed application to the Board on the required forms;

(b) Submit a copy of his or her current license with the application;

(c) Submit the name and address of the location for which the applicant is seeking certification;

(d) Identify all forms of anesthesia or sedation for which the applicant is seeking certification;

(e) Submit proof of having met the requirements required by § 10706 of this chapter.

(f) Pay all the required fees; and

(g) Submit all required supporting documents.

10708.2 To protect the continuity of patient care, an applicant for a dental facility certification in any class who does not meet all of the requirements for certification at the time of submitting the application may apply for a provisional certification.

10708.3 Except as provided in § 10702.4 of this chapter, the Board may approve a provisional certification, not to exceed one (1) year, if the Board finds that the applicant substantially meets the requirements for a certification, and can be reasonably expected to satisfy the outstanding requirements within one (1) year.

10708.4 The Board may approve a one-time renewal of a provisional certification if good cause is found, such as circumstances beyond the control of the applicant. However, the Board shall not approve the renewal of a provisional certification for an applicant who has not demonstrated a good faith effort to fully satisfy the requirements for certification, such as failing to take actions within the applicant's control.

10709 PERSONNEL AND EQUIPMENT REQUIREMENTS

10709.1 A dentist or dental facility with a Class I certification shall ensure that the following requirements are met before administering moderate sedation:

(a) A dentist qualified and certified to administer moderate sedation shall administer the moderate sedation;

(b) At least two (2) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist, one of whom is trained in PALS if the patient is age twelve (12) or under;

(c) When the dentist administering the moderate sedation is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring. The person designated to perform the monitoring shall be trained in PALS if the patient is age twelve (12) or under;

(d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;

(e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;

(f) A pre-procedural check of equipment for each administration of sedation shall be performed;

(g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;

(h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;

(i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be immediately available;

(j) An appropriate scavenging system shall be utilized if gases other than oxygen or air are used;

(k) The equipment necessary to establish intravascular or intraosseous access shall be available until the patient meets discharge criteria; and

(l) A pulse oximeter shall be used.

10709.2 A dentist or dental facility with a Class II certification shall ensure that the following requirements are met before administering deep sedation:

(a) A dentist qualified and certified to administer deep sedation shall administer the deep sedation;

(b) At least two (2) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist, one of which shall be trained in ACLS and if the patient is age twelve (12) or under shall also be trained in PALS;

(c) When the dentist administering the deep sedation is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring. The person designated to perform the monitoring shall be trained in ACLS and if the patient is age twelve (12) or under shall also be trained in PALS;

(d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;

(e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;

(f) Perform a pre-procedural check of equipment for each administration of sedation;

(g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;

(h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;

(i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be utilized;

(j) An appropriate scavenging system shall be utilized if gases other than oxygen or air are used;

(k) The equipment necessary to establish intravenous access shall be available;

(l) The equipment and drugs necessary to provide advanced airway management, and advanced cardiac life support shall be immediately available;

(m) Resuscitation medications and an appropriate defibrillator shall be immediately available; and

(n) A pulse oximeter shall be used.

10709.3 A dentist or dental facility with a Class III certification shall ensure that the following requirements are met before administering general anesthesia:

(a) A dentist qualified and certified to administer general anesthesia shall administer the general anesthesia;

(b) At least three (3) additional persons trained in Basic Life Support for Healthcare Providers shall be present in addition to the dentist, one of which shall be trained in ACLS or if the patient is age twelve (12) or under shall also be trained in PALS;

(c) When the dentist administering the general anesthesia is also the same dentist performing the dental procedure, one of the other trained personnel present shall be designated to perform the patient monitoring. The person designated to perform the monitoring shall be trained in ACLS and if the patient is age twelve (12) or under shall also be trained in PALS;

(d) A positive-pressure oxygen delivery system suitable for the patient being treated shall be immediately available;

(e) Documentation of compliance with manufacturer's recommended maintenance of monitors, anesthesia delivery systems, and other anesthesia-related equipment shall be maintained;

(f) A pre-procedural check of equipment for each administration of general anesthesia shall be performed;

(g) When inhalation equipment is used, it shall have a fail-safe system that is appropriately checked and calibrated;

(h) The equipment shall also have either (1) a functioning device that prohibits the delivery of less than thirty percent (30%) oxygen or (2) an appropriately calibrated and functioning in-line oxygen analyzer with audible alarm;

(i) The equipment necessary for monitoring end-tidal carbon dioxide and auscultation of breath sounds shall be utilized;

(j) An appropriate scavenging system shall be utilized if gases other than oxygen or air are used;

(k) The equipment necessary to establish intravenous access shall be available;

(l) Equipment and drugs necessary to provide advanced airway management, and advanced cardiac life support shall be immediately available;

(m) Resuscitation medications and an appropriate defibrillator shall be immediately available;

(n) A pulse oximeter shall be used; and

(o) Continuous ECG monitoring of patients is required.

10710 MONITORING AND DOCUMENTATION

10710.1 A dentist administering moderate sedation, deep sedation, or general anesthesia to a patient:

(a) Shall remain in the operatory room to monitor the patient continuously until the patient meets the criteria for recovery;

(b) Shall not induce a second patient until the first patient:

(1) Is conscious;

(2) Is spontaneously breathing;

(3) Has stable vital signs;

(4) Is ambulatory with assistance; and

(5) Is under the care of a qualified auxiliary; and

(c) Shall not leave the facility until the patient meets the criteria for discharge and is discharged from the facility.

10710.2 When moderate sedation is administered, monitoring shall include:

(a) Consciousness: the patient's level of sedation and responsiveness to verbal commands shall be continually assessed;

(b) Oxygenation: the oxygen saturation shall be continuously evaluated by pulse oximetry;

(c) Ventilation:

(1) The dentist shall continuously observe chest excursions and monitor ventilation and breathing by monitoring end-tidal carbon dioxide, unless precluded by the nature of the patient, procedure, or equipment; and

(2) The dentist shall ensure that the patient's ventilation is monitored by continual observation of qualitative signs, including auscultation of breath sounds with a precordial or pretracheal stethoscope;

(d) Circulation:

(1) The dentist shall continually evaluate the patient's blood pressure and heart rate unless invalidated by the nature of the patient, procedure, or equipment and this is noted in the time-oriented anesthesia record; and

(2) Circulation shall be monitored by continuous ECG monitoring of patients with significant cardiovascular disease.

10710.3 When deep sedation or general anesthesia is administered, monitoring shall include:

(a) Oxygenation: oxygen saturation shall be continuously evaluated by pulse oximetry;

(b) Ventilation:

(1) For an intubated patient, end-tidal carbon dioxide shall be continually monitored and evaluated unless precluded or invalidated by the nature of the patient, procedure, or equipment; and

(2) Ventilation shall also be monitored and evaluated by continual observation of qualitative signs, including auscultation of breath sounds with a precordial or pretracheal stethoscope, unless precluded by use of appropriate equipment;

(c) Respiration rate shall be continually monitored and evaluated;

(d) Circulation: the dentist shall continuously evaluate heart rate and rhythm via ECG throughout the procedure, as well as pulse rate via pulse oximetry;

(e) The dentist shall also continually evaluate blood pressure;

(f) Temperature: a device capable of measuring body temperature shall be readily available during the administration of deep sedation or general anesthesia; and

(g) The equipment to continuously monitor body temperature shall be available and shall be performed whenever triggering agents associated with malignant hyperthermia are administered.

10710.4 Appropriate time-oriented anesthetic record shall be maintained, including the names of all drugs, dosages, and their administration times, including local anesthetics, dosages, and monitored physiological parameters. Additionally, pulse oximetry, end-tidal carbon dioxide measurements (if taken), heart rate, respiratory rate, blood pressure, and level of consciousness (if appropriate) shall be recorded continually.

10710.5 A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer moderate sedation, deep sedation, or general anesthesia under this chapter shall ensure that the physician, dentist, or certified registered nurse anesthetist is properly licensed and authorized to administer anesthesia or sedation in the District and does not leave the site until the patient meets the criteria for discharge and is discharged from the facility.

10710.6 A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer moderate sedation, deep sedation, or general anesthesia shall ensure that the physician, dentist, or certified registered nurse anesthetist does not induce a second patient until the first patient:

(a) Is conscious;

(b) Is spontaneously breathing;

(c) Has stable vital signs;

(d) Is ambulatory with assistance; and

(e) Is under the care of a qualified auxiliary.

10711 ON-SITE PHYSICAL FACILITY INSPECTIONS

10711.1 All offices holding a Class I, II, or III dental facility certification shall have an on-site physical inspection of the facility as follows:

(a) Before receiving a certification from the Board;

(b) At least once every four (4) years at each office facility; and

(c) If the Board receives a complaint alleging a violation of this chapter and the Board finds that the complaint warrants investigation.

10711.2 At the discretion of the Board, an inspection or re-inspection of an office, dentist, and staff may be scheduled at any time. The Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences.

10711.3 A dentist or dental facility may, due to extenuating circumstances, apply for an extension of time to meet the requirements of § 10711.1 by making a written request to the Board. If the Board grants an extension, the length of the extension will be determined by the Board. The written request must include:

(a) A complete explanation of the circumstances; and

(b) The dentist's or dental facility's plan for completing the on-site inspection requirement.

10711.4 During reasonable business hours, the Board or its designee may conduct unannounced inspection visits of any dental office or facility if the Board has:

(a) Received a complaint or has initiated a complaint; and

(b) Reason to believe that anesthesia or sedation has been administered:

(1) Without an appropriate certification; or

(2) In violation of this chapter.

10711.5 Dentists and all associated personnel shall cooperate with the inspectors.

10712 FACILITY OWNERS AND ANESTHESIA AND SEDATION PERFORMED BY ITINERANT PROVIDERS

10712.1 In order to obtain a permit from the Board for an itinerant provider to administer anesthesia or sedation in his or her facility the owner of the facility shall demonstrate the following to the satisfaction of the Board:

(a) The itinerant provider is certified by the Board at the appropriate individual certification class level, if he or she is a dentist, or

(b) The itinerant provider is licensed in good standing with the District of Columbia Board of Medicine or Nursing, as applicable, and authorized to administer anesthesia and sedation.

10712.2 The owner of a facility shall prominently display the itinerant provider's permit at the dental facility.

10712.3 The owner of a facility shall ensure that the facility:

(a) Is certified by the Board at the appropriate facility certification class level;

(b) Is properly equipped in accordance with this chapter;

(c) Is properly staffed in accordance with this chapter; and

(d) Has appropriate non-expired drugs and non-expired emergency drugs.

10712.4 The owner of a facility or the treating dentist who wishes to allow an itinerant provider to administer anesthesia and sedation to a patient at his or her dental facility shall:

(a) Obtain a permit from the Board before allowing the itinerant provider to administer anesthesia and sedation at his or her dental facility;

(b) Ensure the proper maintenance of all required oxygen equipment, emergency equipment, monitors, back up equipment, suction, and lighting; and

(c) Require the itinerant provider to contractually agree that he or she will accompany a patient to the emergency room if a patient is transported to the emergency room.

10712.5 A separate permit shall be required for each itinerant provider and for each separate facility location.

10712.6 The owner of a facility or the treating dentist shall ensure that:

(a) The operatory size is appropriate;

(b) The dental chair facilitates management of anesthesia emergencies;

(c) There is adequate lighting in the operatory;

(d) There is adequate staff present for the level of anesthesia level being administered;

(e) Appropriate suction is in place at all times; and

(f) The itinerant provider does not leave the dental facility until after the last patient is stable and discharged.

10712.7 To apply for a permit to allow an itinerant provider to administer anesthesia and sedation, the owner of a facility or the treating dentist shall:

(a) Apply to the Board on a form approved by the Board;

(b) Provide an affidavit to the Board stating whether an incident has ever occurred while the owner or treating dentist, as applicable, treated a patient

under moderate sedation, deep sedation, or general anesthesia, in accordance with the requirements set forth in § 10717.3 of this chapter;

(c) Provide documentation acceptable to the Board that the itinerant provider is a dentist that is registered with the Board at the appropriate individual certification class level, or is a physician or certified registered nurse anesthetist that is licensed and in good standing with the appropriate District of Columbia Health Occupations Board and authorized to administer anesthesia and sedation;

(d) Submit any other pertinent documents or information requested by the Board, which may include patient records; and

(e) Pay a nonrefundable application fee.

10712.8 The owner or treating dentist who holds a certification to allow an itinerant provider to administer anesthesia or sedation at his or her facility shall be present in the operatory as the clinical provider of treatment during the administration of the anesthesia or sedation.

10712.9 A certification issued to an owner or treating dentist allowing an itinerant provider to administer anesthesia and sedation at his or her facility shall expire at 12:00 midnight on December 31st on the fourth (4th) year following the effective date of the certification.

10712.10 An owner or treating dentist may apply to renew his or her certification to allow an itinerant provider to administer anesthesia or sedation by submitting a renewal application on a form approved by the Board, which shall require the same type of documentation and information as was required for the initial certification, and payment of a nonrefundable fee.

10713 ITINERANT DENTIST PROVIDERS OF ANESTHESIA AND SEDATION SERVICES

10713.1 An itinerant dentist provider shall obtain certification from the Board before administering anesthesia or sedation to a patient at a practice location other than his or her own dental facility.

10713.2 To apply for certification to administer anesthesia and sedation to a patient at a practice location other than the dentist's own dental facility, an itinerant dentist provider shall:

(a) File an application with the Board on a form approved by the Board;

(b) Possess an individual Class I, Class II, or Class III certification, as applicable;

(c) Provide an affidavit to the Board stating whether the itinerant dentist provider has ever provided moderate sedation, deep sedation, or general anesthesia with an incident, which shall meet the requirements set forth in § 10717.3 of this chapter;

(d) Submit any other pertinent documents or information requested by the Board, which may include patient records; and

(e) Pay a nonrefundable application fee.

10713.3 A separate certification shall be required for each itinerant provider and for each separate facility location.

10713.4 An itinerant dentist provider who holds a certification to administer anesthesia or sedation at a practice location other than his or her own dental facility shall be present in the operatory during the administration of the anesthesia or sedation.

10713.5 A certification issued to an itinerant dentist provider to administer anesthesia and sedation at a practice location other than his or her own dental facility shall expire at 12:00 midnight on December 31st on the fourth (4th) year following the effective date of the certification.

10713.6 An itinerant dental provider may apply for renewal of his or her certification to administer anesthesia or sedation at a practice location other than his or her own dental facility by submitting a renewal application on a form approved by the Board, which shall require the same type of documentation and information as was required for the initial certification, and payment of a nonrefundable fee.

10713.7 To protect the continuity of patient care, an itinerant dental provider who does not meet all of the requirements for certification at the time of submitting the application may apply for a provisional certification.

10713.8 Except as provided in § 10702.4 of this chapter, the Board may approve a provisional certification, not to exceed one (1) year, if the Board finds that the applicant substantially meets the requirements for a certification, and can be reasonably expected to satisfy the outstanding requirements within one (1) year.

10713.9 The Board may approve a one-time renewal of a provisional certification if good cause is found, such as circumstances beyond the control of the applicant. However, the Board shall not approve the renewal of a provisional certification for an applicant who has not demonstrated a good faith effort to fully satisfy the requirements for certification, such as failing to take actions within the applicant's control.

10714 CONTINUING EDUCATION REQUIREMENTS

10714.1 An applicant who seeks renewal of a Class I, II, or III dental certification to administer general anesthesia or sedation shall:

(a) Complete not less than twenty-four (24) hours of clinical continuing education related to sedation or anesthesia setting during the term of the certification;

(b) Maintain current certification in Advanced Cardiac Life Support (ACLS), which the applicant may not allow to expire; and

(c) Maintain current certification in Pediatric Advanced Life Support (PALS) if the applicant sedates patients twelve (12) years of age or under.

10714.2 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

(a) Serious and protracted illness of the applicant; and

(b) The death or serious and protracted illness of a member of the applicant's immediate family.

10715 RENEWAL OF DENTIST CERTIFICATION

10715.1 The Board shall mail a renewal application to each dentist holding a Class I, Class II, or Class III certification to administer sedation or general anesthesia, within ninety (90) days of the expiration of the certification.

10716 RENEWAL OF DENTAL FACILITY CERTIFICATION

10716.1 The Board shall send a renewal notice to each dental facility holding a Class I, Class II, or Class III certification to administer sedation or general anesthesia, at least ninety (90) days before the expiration of the certification.

10717 MORBIDITY AND MORTALITY REPORTS

10717.1 Certified dentists and dental facilities shall report to the Board, in writing, any complication or disabling incident requiring admission to a hospital for a period greater than twenty (24) hours, or for purposes other than observation, as a result of the dentist's or dental facility's administration of anxiolysis, moderate sedation, deep sedation, or general anesthesia within seventy-two (72) hours after its occurrence.

10717.2 Certified dentists and dental facilities shall report to the Board, in writing, any death caused by or resulting from the dentist's or dental facility's administration of anxiolysis, moderate sedation, deep sedation, or general anesthesia within seventy-two (72) hours after its occurrence.

10717.3 The written report to the Board required in §§ 10717.1 and 10717.2 of this section shall include:

(a) The date of the incident;

(b) The name, age, and address of the patient;

(c) The type of anesthesia used; and

(d) A narrative description of the incident, including approximate times and evolution of symptoms, and the outcome of the incident.

10718 TRANSFER OF CERTIFICATION PROHIBITED

10718.1 Certifications issued pursuant to this chapter may not be transferred to another dentist, location, or dental facility.

10799 DEFINITIONS

10799.1 As used in this chapter, the following terms have the meaning ascribed:

Advanced Cardiac Life Support (ACLS) – a certification that an individual has successfully completed an advanced cardiac life support course that includes hands on training and skills demonstration of airway management and automated external defibrillator (AED) use offered by the American Heart Association or other entity approved by the Board.

Anesthesia – an artificially induced insensibility to pain usually achieved by the administration of gases or the use of drugs.

Anesthesia and sedation -

(a) Moderate sedation;
(b) Deep sedation; and
(c) General anesthesia.

Anxiolysis- the oral administration in a single dose of one type of legally prescribed sedative, narcotic, class of drug, or medication to decrease anxiety taken the evening before a procedure or the day of a procedure or both. Anxiolysis is used to achieve a drug induced state in which patients are expected to appropriately respond to tactile stimulation and verbal commands. The patient maintains consciousness, although cognitive function and

coordination may be impaired. Ventilatory and cardiovascular functions are maintained and require no assistance.

Deep sedation- is an induced state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently or to respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof. Airway intervention may be needed. Spontaneous ventilation may be inadequate and cardiovascular function is usually maintained. Patients cannot be easily aroused but respond purposefully following repeated or painful stimulation.

Director – the Director of the Department of Health, or designee.

Facility– any location in which anesthesia or sedation is administered for the practice of dentistry, including a dental school recognized by the Commission on Dental Accreditation or its successor organization or a hospital that is not in good standing with the District or the Joint Commission, but does not include a van or any mobile or temporary structure.

General Anesthesia – an induced state of consciousness, accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof. Patients are not arousable even by painful stimulation. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation, drug-induced depression, or changes in neuromuscular function. Cardiovascular function may be impaired.

Itinerant Provider- a licensed physician, certified registered nurse anesthetist, or dentist that administers anesthesia and sedation to a treating dentist's patients at the treating dentist's practice location or by traveling from practice site to practice site.

Local Anesthesia- the technique of reducing or eliminating the body's response to noxious stimuli by the regional injection or application of a drug to a specific area of the body that inhibits nerve excitation or conduction without affecting or altering consciousness.

Moderate Sedation- a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal command and that is produced by a pharmacologic or non-pharmacologic method or a combination thereof. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is

maintained. Patients whose only response is reflex withdrawal from repeated painful stimuli shall not be considered to be in a state of conscious sedation.

Nitrous Oxide and Oxygen- an inhalation combination used to reduce pain and anxiety which could also depress the level of consciousness. The quantity of Nitrous Oxide administered shall not produce levels of altered consciousness beyond that which has been defined in this chapter as anxiolysis.

On-site Physical Facility Evaluation- an on-site inspection to determine if a facility where the applicant proposes to provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this chapter.

Pediatric Advanced Life Support (PALS) certification - a certification that an individual has successfully completed a pediatric advanced cardiac life support course that includes hands on training and skills demonstration of airway management and automated external defibrillator (AED) use offered by the American Heart Association or other entity approved by the Board.

Provisional Certification- a one-year certification issued to an applicant for a dental certification, a dental facility certification, or to an itinerant dental provider applicant at the time that the application is received by the Department, that substantially meets the requirements for a certification, and can reasonably be expected to meet the outstanding requirements within a year.

Renewal Evaluation- an on-site inspection by the Board or its designee before the renewal of a certification to determine if a facility where the applicant proposes to provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this chapter.

Sedation– any altered or decreased state of consciousness beyond that which is defined in this chapter as anxiolysis, regardless of the method or route of administration of the drug, medication or inhalation agent. The levels of sedation are (a) Moderate Sedation, (b) Deep Sedation, and (c) General Anesthesia.

Treating Dentist- the dentist who will perform the dental treatment, procedures, or services for which the administration of anesthesia or sedation to the patient is required.

10799.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

Chapter 42, DENTISTRY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4212, REQUIREMENTS FOR ADMINISTRATION OF ANESTHESIA, is amended to read as follows:

4212 REQUIREMENTS FOR ADMINISTRATION OF ANESTHESIA

4212.1 A dentist shall not administer anesthesia or sedation unless the dentist has obtained certification from the Board to do so pursuant to the requirements and processes set forth in Chapter 107 (Dentist and Dental Facility Certification To Administer Sedation or General Anesthesia) of Title 17 of the District of Columbia Municipal Regulations.

4212.2 To be qualified to administer nitrous oxide alone, or nitrous oxide in combination with a single oral drug, a dentist shall have met the following requirements prior to administering nitrous oxide:

(a) Hold an active license to practice dentistry in the District of Columbia in good standing;

(b) Maintain current certification in cardiopulmonary resuscitation for health care providers as evidenced by a certificate; and

(c) Maintain current DEA (Drug Enforcement Agency) and District of Columbia controlled substance registrations.

4212.3 A dentist who administers local anesthesia or nitrous oxide shall report to the Board any death, substantially disabling incident, or hospitalization caused by the administration of local anesthesia or nitrous oxide by the dentist or a dental hygienist authorized by the Board of Dentistry to administer local anesthesia and nitrous oxide acting under his or her supervision, within seventy-two (72) hours after the occurrence.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2018 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapters 57 (Prohibited and Restricted Activities) and 99 (Definitions) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to clarify and establish the parameters for when a marijuana "clone" becomes a "plant." These amendments are necessary to ensure uniformity in the quantification of the number of living marijuana plants at a cultivation center at any one time.

This rulemaking was published in the *D.C. Register* on February 15, 2019 at 66 DCR 002172. No comments were received during the allotted thirty (30)-day time period. One comment was untimely submitted to the Director of the Department of Health on March 21, 2019 via email. In addition to being untimely, this submission did not comply with the directions for submitting comments set forth in the Notice. The comment was deemed untimely and not considered. No changes have been made to the document.

Following the required period of Council review, the rules were deemed approved by the D.C. Council on March 21, 2019. These rules were adopted as final on April 24, 2020 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 57, PROHIBITED AND RESTRICTED ACTIVITIES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5704, PLANT LIMITATIONS, is amended to read as follows:

5704.1 A cultivation center shall be permitted to possess and cultivate up to one thousand (1,000) living marijuana plants at any one (1) time for the sole purpose of producing medical marijuana in a form permitted under this subtitle.

5704.2 A dispensary shall not be permitted to possess or sell marijuana plants or clones. It shall be a violation of this subtitle for a dispensary to possess or sell marijuana plants or clones, or for a cultivation center to sell marijuana plants or clones to a dispensary.

5704.3 For purposes of this subtitle, a "clone" shall be considered a marijuana plant when:

(a) There is readily observable evidence of root formation that is either at least three (3) inches in length or that has sprouted hair-like fibers that are visible to the naked eye; or

(b) The clone has reached eight (8) inches in height.

5704.4 Cultivation centers shall tag and track all marijuana plants, in any stage of growth, from seed to sale in the Marijuana Enforcement Tracking Reporting Compliance (METRC) system.

5704.5 All clones shall be tagged and tracked in the METRC system upon being placed in the water or propagation solution, regardless of whether they have reached plant status.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, is amended as follows:

Subsection 9900.1 is amended as follows:

The following terms with the ascribed meaning are added as follows:

Clone – means a plant clipping from a female marijuana plant that is less than eight (8) inches in height, is not yet root-bound, is growing in a propagation solution or water, and that is capable of developing into a new marijuana plant.

Marijuana Plant – means a plant of the genus Cannabis in any stage of growth except for clones.

Seedling- means a marijuana plant that has no flowers, is at least eight (8) inches in height but less than twelve (12) inches in height, and that is less than twelve (12) inches in diameter.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, § 203(3); D.C. Official Code § 34-2202.03(3) (2019 Repl.)) and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of the adoption of amendments to Section 402 (Initiating a Challenge) of Chapter 4 (Contested Water and Sewer Bills) of Title 21 (Water and Sanitation) District of Columbia Municipal Regulations (DCMR).

Pursuant to Board Resolution #20-40, dated May 7, 2020, DC Water's Notice of Proposed Rulemaking was published in the *District of Columbia Register* (*D.C. Register* or DCR) at 67 DCR 5404 on May 22, 2020 to receive comments on the proposed rulemaking.

On June 23, 2020, the DC Retail Water and Sewer Rates Committee met to consider the comments offered during the public comment period and recommendations from the General Manager. Comments were received during the public comment period from the Office of the People's Counsel. At that meeting, the DC Retail Water and Sewer Rates Committee recommended the Board adopt amendments to the bill challenge regulations codified in 21 DCMR §§ 402.1 and 402.2.

At its regularly scheduled meeting on July 2, 2020, the Board, through Resolution #20-57, after consideration of the comments received, the report from the DC Retail Water and Sewer Rates Committee, and recommendations from the General Manager, voted to adopt the amendments to the bill challenge regulations at 21 DCMR §§ 402.1 and 402.2.

No substantive changes were made to the proposed regulations as published.

These rules were adopted as final on July 2, 2020 by resolution, and will become effective on July 17, 2020 after publication of this notice in the *D.C. Register*.

Chapter 4, CONTESTED WATER AND SEWER BILLS, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 402, INITIATING A CHALLENGE, Subsections 402.1 and 402.2, are amended to read as follows:

402.1 An owner or occupant may challenge the most recent charges assessed by WASA for water, sewer and groundwater sewer service by either:

(a) Paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect and that the bill is being paid under protest; or

(b) Not paying the current charges in the bill and notifying WASA in writing, within thirty (30) calendar days after the bill date, the reason(s) why the bill is believed to be incorrect.

402.2 Challenges received after the thirty-day (30) period as stated in § 402.1 will be deemed to have been filed in an untimely manner and will not stop the imposition of a penalty for nonpayment of charges or the possibility of termination of service for nonpayment.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING
Z.C. CASE NO. 19-24
(Text Amendment – Subtitle K of Title 11 DCMR)
(Walter Reed Zone Regulations)

The Zoning Commission for the District of Columbia (the "Commission"), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)), and pursuant to § 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.)), hereby gives notice of its intent to amend Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [Zoning Regulations], to which all references are made unless otherwise specified).

The proposed text amendment adds new zones WR-9 through WR-15, as follows:

- Subtitle K: Special Purpose Zones
  Chapter 9, Walter Reed Zones (WR-1 through WR-8)
  § 900 – incorporating new zones
  § 909 – adding a new section creating new WR-9 zone
  § 910 – adding a new section creating new WR-10 through WR-15 zones
  § 911-923 – renumbering current §§ 909-921 to accommodate the new §§ 909 and 910 and incorporating new zones

Setdown
On October 28, 2019, Children's National at Walter Reed, LLC (the Petitioner) filed a petition to the Commission proposing the text amendment, concurrently with a proposed Zoning Map amendment (Z.C. Case No. 19-24A) to allow for the development of a portion of the former Walter Reed Army Medical Center.

The Office of Planning ("OP") filed a November 8, 2019, report recommending approval of the proposed text amendment as not inconsistent with the Comprehensive Plan (CP) and related public policies.

On November 8, 2019, ANC 4A submitted a written report (the ANC Report) stating that at its duly notice meeting on November 5, 2019, with a quorum present, the ANC voted to support the proposed text amendment, with the following concerns:

- Applications to the Historic Preservation Review Board (HPRB) be presented to the ANC for its recommendation prior to the HPRB's review;
- No new building be constructed above 85 feet unless reviewed and approved by the ANC and HPRB;
- Construction truck traffic be governed by the Traffic Management Plan agreed to by the Petitioner; and

- Traffic associated with the Petitioner will enter and exit the Walter Reed campus through the Georgia Avenue and 16th Street, N.W entrances once Dahlia Street, N.W. within the Walter Reed campus is constructed.

At its November 18, 2019 public meeting, the Commission voted to grant the Petitioner's request to set down the proposed text amendment for a public hearing, with flexibility to work with the Office of the Attorney General (OAG), including on the potential affordable housing exemption of the proposed Subtitle K § 920.14.

Public Hearing

OP filed a March 23, 2020, hearing report, as required by Subtitle Z § 400.6, that recommended approval of the proposed text amendment with a note that the Petitioner, OP, and OAG had resolved the potential affordable housing exemption raised by the Commission at setdown by clarifying that lodging uses more accurately described the Petitioner's proposed use than the initial proposed residential uses (lodging uses do not trigger the affordable housing requirements triggered by residential uses).

Based on OAG's recommendations and as agreed with OP, the Petitioner submitted non-substantive revisions to the proposed text amendment on June 9, 2020, to use separate zones (WR-10 through WR-15) instead of multiple land bays within the WR-10 zone.

Multiple comments were filed to the record in support of the proposed text amendment, and one comment by a group of neighbors expressed concerns about anticipated construction traffic generated by development if the proposed text amendment and related proposed Zoning Map amendment.

At the June 25, 2020, virtual public hearing, the Commission heard testimony from the Petitioner in support of the proposed text amendment and from OP and the public. OP testified that it supported the changes proposed by OAG. The public comments included testimony echoing concerns about anticipated construction traffic.

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations 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).

The Commission finds OP's recommendation that the Commission take proposed action to adopt the proposed text amendment persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting 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

the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission noted ANC 4A's support for the proposed text amendment but noted that the Commission lacks the authority to impose mandatory review and approval by the ANC as part of the zoning process and that traffic management would be addressed at permitting stage and under DDOT's guidance.

At the close of its June 25, 2020, public hearing, the Commission voted to take **PROPOSED ACTION** and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (June 25, 2020): **5-0-0** (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

The complete record in the case, including the OP and ANC reports and transcript of the public hearings, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register*.

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~**bold and strikethrough**~~ text; new text is shown in **bold and underline** text).

Title 11, ZONING REGULATIONS OF 2016, are amended as follows:

I. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

The title of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended as follows:

CHAPTER 9 WALTER REED ZONES – WR-1 THROUGH ~~WR-8~~ WR-15

Section 900, GENERAL PROVISIONS AND PURPOSE AND INTENT (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended as follows:

900.1 The purposes of the Walter Reed (WR) zones (WR-1 through ~~WR-8~~ **WR-15**) are …[1]

900.2 ~~**This chapter shall constitute the Zoning Regulations for the geographic area described by the plat attached to Z.C. Order No. 14-22.**~~ Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of this chapter shall govern.

900.3 The WR ~~**zone is divided into**~~ **zones include** the WR-1 through the ~~**WR-8**~~ **WR-15** zones. Each zone may have one (1) or more sub-areas, as identified in the Development Standards table for each zone. Each sub-area may be comprised of one (1) or more Land Bays.

900.4 Land Bays ~~**are defined on the plats attached to Z.C. Orders No. 14-22 and also**~~ **may be** shown, for reference only, in the boundary maps of this chapter for each zone.

900.5 Any reference to a street refers to either existing or proposed streets as depicted ~~**on the plats attached to Z.C. Order No. 14-22**~~ **in the boundary maps of this chapter for each zone**.

A new § 909 is proposed to be added to Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, with the current § 909 renumbered as 911 (as detailed below), to read as follows:

909 WR-9 ZONE

909.1 The WR-9 zone is intended to support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods.

909.2 The development standards for the WR-9 zone are set forth in the following table:

TABLE K § 909.2: WR-9 DEVELOPMENT STANDARDS

Building Height (maximum)	Stories (maximum)	Lot Occupancy (maximum)	Pervious Surface (minimum)	Side Yard (minimum)	Rear Yard (minimum)
45 ft.	4	70%	10%	None required; 4 ft. if provided	None required

[1] The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

A new § 910 is proposed to be added to Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, with the current § 910 renumbered as 912 (as detailed below), to read as follows:

910 WR-10 THROUGH WR-15 ZONES

910.1 The WR-10 ~~zone is~~ through WR-15 zones are intended to:

(a) Support the expansion of medical care and research facilities at a scale of development that does not adversely impact the character of nearby established neighborhoods; and

(b) Encourage adaptive reuse of existing buildings to support medical research uses.

910.2 The development standards for the WR-10 ~~zone~~ through WR-15 zones are set forth in the following table:

TABLE K § 910.2: WR-10 THROUGH WR-15 DEVELOPMENT STANDARDS

Zone District	FAR	Building Height (maximum)	Lot Occupancy (maximum)	Side Yard (minimum)	Rear Yard (minimum)
WR-10	4.5	60 ft.	100%	None required	None required
WR-11	4.5	90 ft.	75%	None required	None required
WR-12	2.0	65 ft.	75%	None required	None required
WR-13	6.0	110 ft.	100%	None required	None required
WR-14	4.5	110 ft.	75%	None required	None required
WR-15	2.5	85 ft	60%	None required	None required

910.3 In the WR-11 zone, no building or portion of a building shall be constructed above grade within one hundred fifty feet (150 ft.) of the street lot lines abutting Dahlia Street, N.W.

910.4 In the WR-15 zone, no building or portion of a building shall be constructed above grade within eighty feet (80 ft.) of the street lot lines abutting Fern Street, N.W.

Current § 909, HEIGHT AND PENTHOUSES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 911 and amended to correct references, to read as follows:

~~909~~ 911 HEIGHT AND PENTHOUSES (WR)

~~909.1~~ **911.1** In the WR zone, the point chosen for measurement of height shall conform to the other provisions of this title, except that the point may be on either a public or private street.

~~909.2~~ **911.2** For the purposes of applying general zoning requirements of this title:

(a) The WR-1, WR-7, and WR-8 zones shall be considered Residence zones; and

(b) The WR-2, WR-3, WR-4, WR-5, ~~and~~ WR-6, **WR-9, WR-10, WR-11, WR-12, WR-13, WR-14, and WR-15** zones shall be considered Mixed Use or Commercial Zones.

~~909.3~~ **911.3** Penthouses shall be subject to the regulations of Subtitle C, Chapter 15**,** and the height and story limitations specified in Subtitle C § ~~909.4~~ **911.4**.

~~909.4~~ **911.4** A penthouse constructed in accordance with the provisions of Subtitle C, Chapter 15**,** may be erected to a height in excess of that permitted, but shall not exceed the height, as measured from the surface of the roof upon which the penthouse sits, in the following table:

TABLE K § ~~909.4~~ 911.4: TABLE OF PENTHOUSE STANDARDS

ZONE DISTRICT	Maximum Penthouse Height	Maximum Penthouse Stories
WR-1, WR-6	Pursuant to Subtitle C § 1500.4	Pursuant to Subtitle C § 1500.4
WR-4, WR-5, WR-7**, WR-9**	12 feet; except 15 feet for penthouse mechanical space	1 story; second story permitted for penthouse mechanical space
WR-8	12 feet; except 18 feet, 6 inches for penthouse mechanical space	1 story; second story permitted for penthouse mechanical space
WR-3	20 feet	1 story; second story permitted for penthouse mechanical space
WR-2**, WR-10, WR-11, WR-12, WR-13, WR-14, WR-15**	20 feet	1 story plus mezzanine; second story permitted for penthouse mechanical space

Current § 910, STREETSCAPE STANDARDS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 912, to read as follows:

~~910~~ **912** **STREETSCAPE STANDARDS (WR)**

~~910~~ **912.1** In all WR zones, all buildings are subject to the following design requirements …

Current § 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 913 and amended by adding a new § 913.6 and correcting references, to read as follows:

~~911~~ **913 USE PERMISSIONS (WR)**

~~911.1~~ **913.1** The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

(a) Agriculture …

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ **914.2**;

(c) Arts, design, and creation subject to the conditions of Subtitle K § ~~912.3~~ **914.3**;

…

(f) Daytime care subject to the conditions of Subtitle K § ~~912.5~~ **914.4**;

(g) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ **914.5**;

…

(i) Parking subject to the conditions of Subtitle K § ~~912.9~~ **914.8**;

…

(l) Retail subject to the conditions of Subtitle K § ~~912.10~~ **914.9**;

…

~~911.2~~ **913.2** The uses in this section shall be permitted as a matter-of-right in the WR-2, WR-3, WR-4**,** and WR-5 zones, subject to any applicable conditions:

(a) Agriculture …

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ **914.2**;

…

(g) Eating and drinking establishments subject to the conditions of Subtitle K § ~~912.7~~ **914.6**;

…

(k) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ **914.5**;

…

(s) Parking subject to the conditions of Subtitle K § ~~912.9~~ **914.8**;
…

(x) Service, general subject to the conditions of Subtitle K § ~~912.11~~ **914.10**; and
…

~~911.3~~ **913.3** The uses in this section shall be permitted as a matter-of-right in the WR-6 zone, subject to …

~~911.4~~ **913.4** The uses in this section shall be permitted as a matter of right in the WR-7 zone, subject to any applicable conditions:

(a) Agriculture …

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ **914.2**;
…

(g) Education, college/university subject to the conditions of Subtitle K § ~~912.8~~ **914.7**;

(h) Education, private, subject to the conditions of Subtitle K § ~~912.8~~ **914.7**;

(i) Education, public, subject to the conditions of Subtitle K § ~~912.8~~ **914.7**;

(j) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ **914.5**;
…

(o) Parking subject to the conditions of Subtitle K § ~~912.9~~ **914.8**;
…

(r) Retail subject to the conditions of Subtitle K § ~~912.10~~ **914.9**; and
…

~~911.5~~ **913.5** The uses in this section shall be permitted as a matter of right in the WR-8 zone, subject to any applicable conditions:

(a) Agriculture …

(b) Antennas subject to the conditions of Subtitle K § ~~912.2~~ **914.2**;

(c) Arts, design, and creation subject to the conditions of Subtitle K § ~~912.3~~ **914.3**;
…

(g) Emergency shelter subject to the conditions of Subtitle K § ~~912.4~~ **914.5**;
…

(k) Parking subject to the conditions of Subtitle K § ~~912.9~~ **914.8**;
…

(n) Retail subject to the conditions of Subtitle K § ~~912.10~~ **914.9**; and
…

913.6 **The uses in this section shall be permitted as a matter of right in the WR-9 through WR-15 zones, subject to any applicable conditions:**

(a) Daytime Care

(b) Office

(c) Medical Care

(d) Institutional, General

(e) Lodging uses devoted to persons associated with the permitted medical care and institutional uses at Children's National at Walter Reed including, but not limited to, patient families, visiting researchers, and medical professionals.

~~911.6~~ **913.7** For the purposes of the WR zone …

~~911.7~~ **913.8** A home occupation use, including a business, profession …

Current § 912, CONDITIONAL USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 914 and amended by deleting § 912.6 and renumbering the following subsections, and by correcting references, to read as follows:

~~912~~ **914** **CONDITIONAL USES (WR)**

~~912.1~~ **914.1** The following conditions shall apply as required in Subtitle K § ~~911~~ **913**.

~~912.2~~ **914.2** Antennas shall be permitted …

~~912.3~~ **914.3** An arts, design, and creation use shall be permitted ...

~~912.5~~ **914.4** ~~**In the WR-1 zone, daytime**~~ **Daytime** care uses shall be permitted **in the WR-1 zone** as a matter of right subject to the following conditions

(a) The dwelling unit in which the use is located …

~~912.4~~ **914.5** An emergency shelter for one (1) to four (4) persons**, not including resident supervisors or staff and their families,** shall be a matter-of-right use. ~~**An emergency shelter for more than four (4) persons may be permitted as a special exception pursuant to Subtitle K § 913.6.**~~

~~912.6~~ ~~**[DELETED]**~~

~~912.7~~ **914.6** All eating and drinking establishment uses shall be permitted as a matter of right except that:

(a) A drive-through shall not be permitted; and

(b) Fast food establishments and a fast food establishment that meets the definition of a food delivery services may be permitted by special exception pursuant to Subtitle K § ~~913.2(c)~~ **915.2(d)** and if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9.

~~912.8~~ **914.7** Education (public, private, college/university) uses shall …

~~912.9~~ **914.8** Parking shall be permitted as a matter of right provided that all off-street parking is provided in compliance with the provisions of Subtitle K § ~~915~~ **917**;

~~912.10~~ **914.9** A sale in the nature of a yard …

~~912.11~~ **914.10** Service, general uses shall be ...

Current § 913, SPECIAL EXCEPTION USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 915 and amended to correct references, to read as follows:

~~913~~ **915** **SPECIAL EXCEPTION USES (WR)**

~~913.1~~ **915.1** The **following** uses ~~**in this section**~~ shall be permitted in the WR-1 zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

(a) Community-based institutional facilities (CBIF) …

(b) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ **913.1(e)**, subject to the following …

…

~~913.2~~ **915.2** The following uses shall be permitted in the WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

(a) Animal sales, care, and boarding shall be …

(b) Community-based institutional facilities (CBIF) for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(a)~~ **915.1(a)**;

(c) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ **913.1(e)**, subject to …

…

(e) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(b)~~ **915.1(c)**; and

…

~~913.3~~ **915.3** The following uses shall be permitted in the WR-7 and WR-8 zones if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable conditions of each paragraph below:

(a) Community solar facility not meeting the requirements of Subtitle K § ~~911.1(e)~~ **913.1(e)**, subject to the following:

(1) Provision of a landscaped area …

(2) The **Office of Zoning shall refer the** Application, including the landscape plan, ~~shall be referred~~ to the District Department of Energy and Environment for review and ~~report~~; **recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211; and**

~~(b) Daytime care uses not meeting the conditions of Subtitle K § 912.6 shall be permitted by special exception, subject to the following conditions:~~

~~(1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and~~

~~(2) Any off-site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility; and~~

~~(c)~~ (b) Emergency shelter use for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the conditions of Subtitle K § ~~913.1(c)~~ 915.1(c).

Section 914, PROHIBITED USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended by renumbering it as new § 916 and by correcting references, to read as follows:

~~914~~ 916 **PROHIBITED USES (WR)**

~~914.1~~ 916.1 The following uses are prohibited in the WR zone as either a principal or accessory ~~uses~~ use:

(a) Drive-through or drive-in …

(b) Any establishment that has as its principal use …

(c) Self-service storage establishment that provides …

~~914.2~~ 916.2 Any use not otherwise permitted by Subtitle K §§ ~~911, 912, or~~ 913, 914, or 915, or permitted as an accessory or home occupation in this chapter shall not be permitted.

Current § 915, VEHICLE PARKING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 917 and amended by adding new §§ 917.4 and 917.5 and renumbering the existing subsections and by correcting references, to read as follows:

~~915~~ 917 **VEHICLE PARKING (WR)**

~~915.1~~ 917.1 Except as noted in this section, the provisions and requirements of Subtitle C, Chapter 7, Vehicle Parking, shall not apply, and the following provisions of this section shall apply.

~~915.2~~ 917.2 ~~The~~ In the WR-1 through WR-8 zones, the cumulative total of all automobile parking spaces, including below-grade surface, and above-grade structured parking, shall not exceed a total of three thousand four hundred (3,400) parking spaces.

~~915.3~~ 917.3 Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-1 through WR-8 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § ~~915.2~~ 917.2.

917.4 **In the WR-9 through WR-15 zones, the cumulative total of all automobile parking spaces, including below-grade, surface, and above-grade structured parking, shall not exceed a total of one thousand six hundred (1,600) parking spaces.**

917.5 **Each application to the Department of Consumer and Regulatory Affairs for a development within the WR-9 through WR-15 zones that includes parking shall provide an accounting of the total number of parking spaces which count towards the parking space limit of Subtitle K § 917.4.**

~~915.4~~ **917.6** Parallel parking spaces on a private street shall not count toward the limit**s** of Subtitle K ~~§ 915.2~~ **§§ 917.2 and 917.4**, provided they are open to use by the public and not reserved for a particular or private use.

~~915.5~~ **917.7** Parking spaces dedicated for use by a car-sharing service or dedicated for the charging of electric vehicles shall not count toward the ~~limit~~ **limits of** Subtitle K ~~§ 915.2~~ **§§ 917.2 and 917.4**.

~~915.6~~ **917.8** Additional parking spaces beyond the limit**s** of Subtitle K ~~§ 915.2~~ **§§ 917.2 or 917.4, as applicable,** shall be permitted by special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9 and provided that the applicant addresses compliance with the following standards:

(a) The application shall include:

(1) A detailed accounting of the existing and proposed number and locations of parking spaces provided pursuant to Subtitle K ~~§ 915.2~~ **§§ 917.2 and 917.4, as applicable**;

(2) A traffic study assessing …

…

(b) Vehicular access and egress …

~~915.7~~ **917.9** For any application pursuant to Subtitle K § ~~915.5~~ **917.8**:

(a) The Board of Zoning Adjustment shall …

(b) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, massing, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the **individual** WR zone**s**.

~~915.8~~ **917.10** Parking spaces need not be located on the same lot as the building or buildings they are intended to serve, but must be located within the WR zone**s**.

~~915.9~~ **917.11** Parking spaces may be shared among more than one (1) use, whether the uses are on the same lot or on separate lots. A parking space that is shared among more than one (1) use shall be subject to the following conditions:

(a) The parking space and the uses shall all be within the WR zone**s**;

…

(c) A written agreement assigning the parking space to each use, stating compliance with Subtitle K § ~~915.9(b)~~ **917.11(b)**, shall be signed by the owner of the parking space and the owner of each use requiring the parking space;

…

~~915.10~~ **917.12** Parking spaces shall not be located …

~~915.11~~ **917.13** ~~Parking spaces within an~~ **An** above-grade structure **constructed or renovated to provide parking after September 4, 2015, when this chapter was adopted,** shall be lined with preferred uses on the ground and second floors to a depth of fifteen feet (15 ft.) minimum, except the portions of the building façade used for vehicular, bicycle, or pedestrian access to the parking area. For the purposes of this subsection, preferred uses shall include any use from the arts design and creation; eating and drinking establishments; office; residential; retail; service, general; and service, financial use groups.

~~915.12~~ **917.14** All parking spaces, other than mechanical parking spaces, shall be …

~~915.13~~ **917.15** New parking spaces and drive aisles shall be …

~~915.14~~ **917.16** Approval of a driveway under this chapter shall not be …

~~915.15~~ **917.17** All access to parking facilities, whether from a …

Current § 916, VEHICLE PARKING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 918 and amended to a reference, to read as follows:

~~916~~ 918 BICYCLE PARKING (WR)

~~916.1~~ **918.1** Bicycle parking shall be provided in accordance with the requirements of Subtitle C, Chapter 8, and in accordance with Subtitle K § ~~916.2~~ **918.2**.

~~916.2~~ **918.2** Long-term bicycle parking spaces shall …

Current § 917, LOADING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 919, to read as follows:

~~917~~ **919** **LOADING (WR)**

~~917.1~~ **919.1** Loading shall be provided …

~~917.2~~ **919.2** Access to loading and service/delivery space shall …

~~917.3~~ **919.3** All access to loading facilities …

~~917.4~~ **919.4** In addition to the loading screening …

Current § 918, AFFORDABLE HOUSING (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 920 and amended by correcting references, to read as follows:

~~918~~ **920** **AFFORDABLE HOUSING (WR)**

~~918.1~~ **920.1** Affordable housing shall be provided as described in this section. The provisions of Subtitle C, Chapter 10 shall not apply **in the WR-1 through WR-8 zones**, with the exception of the relevant penthouse habitable space affordable housing provisions pursuant to Subtitle C § 1500.11 **as specified in Subtitle K § 920.13**.

~~918.2~~ **920.2** The purposes of this section are …

~~918.3~~ **920.3** The FAR, lot occupancy, and height …

~~918.4~~ **920.4** For the ~~entire WR zone~~ **WR-1 through WR-8 zones**, no less than four hundred and thirty-two (432) units of affordable housing shall be subject to affordable housing covenants that collectively result in compliance with Subtitle K §§ ~~918.5 and 918.6~~ **920.5 and 920.6**.

~~918.5~~ **920.5** Of the four hundred and thirty-two (432) units …

~~918.6~~ **920.6** A minimum amount of affordable units shall be provided in each ~~zone~~ **of the WR-1 through WR-8 zones**, and in each multifamily building, according to the following table. The remaining affordable units may be located anywhere in the ~~WR zone~~ **WR-1 through WR-8 zones**.

TABLE K § ~~918.6~~ 920.6: AFFORDABLE UNIT REQUIREMENTS

	Column A	Column B
Zone	Minimum Percentage of Residential Units to be Provided as Affordable Units in the Zone	Of the Units Prescribed in Column A, the Minimum Percentage to be Provided in Each Multifamily Building in the Zone
WR-1	8%	n/a
WR-2	8%	20%
WR-3	8%	12.5%
WR-4	8%	20%
WR-5	8%	25%
WR-7	8%	25%
WR-8	8%	25%

~~**918.7**~~ **920.7** At the expiration of the affordability control period established by its affordable housing covenant, each multifamily building within the WR-2 through WR-8 zones shall devote no less than eight percent (8%) of its units to affordable units, which shall remain affordable in accordance with Subtitle K § ~~**918.8**~~ **920.8** for so long as the multifamily building exists.

~~**918.8**~~ **920.8** At the expiration of the affordability control period ....

~~**918.9**~~ **920.9** At the expiration of all affordability control periods established by affordable housing covenants recorded against properties in the WR-1 zone, no less than eight percent (8%) of all units within the WR-1 zone shall be devoted to affordable units, which shall remain affordable in accordance with Subtitle K § ~~**918.10**~~ **920.10** for so long as the units exists.

~~**918.10**~~ **920.10** At the expiration of all affordability control periods …

~~**918.11**~~ **920.11** In the ~~**WR zone**~~ **WR-1 through WR-8 zones**, each application for a building permit for a residential use shall include in tabular and map format a description of which affordable units have been provided to date and where, which affordable units have yet to be provided and where they are anticipated to be provided, and how the provisions of this section are being met.

~~**918.12**~~ **920.12** Pursuant to Subtitle X, Chapter 9, the Board of Zoning Adjustment may hear and decide any requests for relief from Subtitle K §§ ~~**918.5 and 918.6**~~ **920.5 and 920.6**, subject to the application demonstrating that the purposes of Subtitle K § ~~**918.2**~~ **920.2** would still be met.

~~**918.13**~~ **920.13** Affordable units, in addition to the other requirements of this section, arising from penthouse habitable space pursuant to Subtitle C §§ ~~**411.16 and 411.17**~~ **1500.11**

and 1500.12 shall be provided in accordance with the relevant provisions of Subtitle C, Chapter 10**,** for residential penthouse habitable space or Subtitle C § ~~414~~ **1505** for non-residential penthouse space, ~~expect~~ **except** that such units may be located anywhere within the ~~are~~ **area** covered by any WR zone.

Current § 919, GREEN AREA RATIO (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 921 and amended by correcting references, to read as follows:

~~919~~ 921 **GREEN AREA RATIO (WR)**

~~919.1~~ 921.1 In the WR-2, WR-3, WR-4, WR-5, WR-7, ~~and~~ WR-8, **and WR-10 through WR-15** zones, the GAR requirement is four-tenths (0.4), pursuant to Subtitle C, Chapter 6.

Current § 920, PLANNED UNIT DEVELOPMENTS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 922, to read as follows:

~~920~~ 922 **PLANNED UNIT DEVELOPMENTS (WR)**

~~920.1~~ 922.1 A planned unit development (PUD) in the WR zone shall …

Current § 921, PLANNED UNIT DEVELOPMENTS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-15, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be renumbered as new § 923, to read as follows:

~~921~~ 923 **SPECIAL EXCEPTION RELIEF (WR)**

~~921.1~~ 923.1 Except for Subtitle K §§ 903.10 through 903.14 and 903.18 …

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-078
July 15, 2020

SUBJECT: Elimination of the building restriction line along the west side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E.

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, D.C. Law 4–201, D.C. Official Code §§ 9–201.01 *et seq*., and An Act Providing for the establishment of a uniform building line on streets in the District of Columbia less than ninety feet in width, approved June 21, 1906, as amended, 34 Stat. 384, D.C. Official Code §§ 6-401–6-406, it is hereby **ORDERED** that:

1. It has been determined that it is in the public interest to eliminate the building restriction line on the west side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E.

2. The surrounding area has changed considerably since the building restriction line was established, to the point that the building restriction line no longer serves a necessary public purpose. Moreover, the existence of the building restriction line prevents the proposed development of privately owned vacant property with a street address of 3250 9th Street, N.E., known for assessment and taxation purposes as Square 3832, Lot 806, which development is in the public interest.

3. The District Department of Transportation ("DDOT") has reviewed the proposed elimination of the building restriction line and expressed no objection to its elimination. DDOT has no plans to widen 9th Street, N.E., along this block.

4. The Office of Planning ("OP") has reviewed the proposed elimination of the building restriction line and expressed no opposition to its elimination. OP stated, in part, that the surrounding area had changed considerably since the building restriction line had been established, "to a point where this specific building restriction line has lost its relevance."

5. On January 22, 2020, Advisory Neighborhood Commission 5B, in response to a presentation from an owner of property along the western side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E., passed a resolution in support of the owner's request to eliminate that property's building restriction line.

6. The Historic Preservation Office, Department of Housing and Community Development, Fire and Emergency Medical Services Department, National Capital Planning

Commission, District of Columbia Water and Sewer Authority, Washington Gas, Pepco, and Verizon have expressed no opposition to the proposed elimination of the building restriction line.

7. The owners of the property abutting the west side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E., have requested or reviewed the proposed elimination of the building restriction line along the west side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E., and support or have no objection to its elimination.

8. Therefore, the building restriction line along the west side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E., is eliminated.

9. The Surveyor of the District of Columbia shall prepare a plat showing the elimination of the building restriction line along the west side of 9th Street, N.E., between Kearney Street, N.E., and Jackson Street, N.E., and shall record the plat in the official records of the Office of the Surveyor.

10. This Order supersedes all prior Mayor's Orders to the extent of any inconsistency.

11. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

RE:

Address:	**Square:**	**Lot:**
221 14th Place, NE	1055	0067

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY 2020**, for the following reasons:

> *You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as (Class1/Class2). You may email OTR at adjustments@dc.gov to request a corrected bill within 5 to 7 buisness days. DCRA reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained.

If you have questions regarding this decision please call, Theresa Hollins, Program Support Specialist (202) 805-8344.

Sincerely,

Donald Sullivan,
Program Manager
Vacant Building Enforcement

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

RE:

Address:	**Square:**	**Lot:**
601 Burns Street, SE	5391E	0013

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY 2019**, for the following reasons:

> *You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as (Class1/Class2). You may email OTR at adjustments@dc.gov to request a corrected bill within 5 to 7 buisness days. DCRA reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained.

If you have questions regarding this decision please call, Theresa Hollins, Program Support Specialist (202) 805-8344.

Sincerely,

Donald Sullivan,
Program Manager
Vacant Building Enforcement

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

RE:

Address:	**Square:**	**Lot:**
807 7th Street, NE	0889	0016

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY 2020**, for the following reasons:

> *You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as (Class1/Class2). You may email OTR at adjustments@dc.gov to request a corrected bill within 5 to 7 buisness days. DCRA reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained.

If you have questions regarding this decision please call, Theresa Hollins, Program Support Specialist (202) 805-8344.

Sincerely,

Donald Sullivan,
Program Manager
Vacant Building Enforcement

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN

2328-2338 Ontario Road, NW
Case No. VCP2019-064

Pursuant to § 601 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312, as amended April 8, 2011, D.C. Law 18-369; D.C. Official Code §§ 8-636.01), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received a Voluntary Cleanup Action Plan (VCAP) requesting to perform a remediation action. The applicant for the property located at 2328-2338 Ontario Road, NW, Washington, DC 20009, is Jubilee Ontario II, LLC, and 1640 Columbia Road, NW, Washington, DC 20009.

The application identifies the presence of petroleum compound, VOCs and chlorinated solvent in soil and groundwater.. The proposed redevelopment involves mass excavation for the purpose of constructing multi-tenant residential building on the Site.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-1C07) for the area in which the property is located. The VCAP is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 499-0437. An electronic copy of the application may be viewed at http://doee.dc.gov/service/vcp-cleanup-sites.

Written comments on the Voluntary Cleanup Action Plan 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 relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2019-064 in any correspondence related to this application.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Social Work ("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 fourth Monday of each month from 10:00 AM to 1:00 PM. The next meeting of the Board will be held on Monday, July 27, 2020. The meeting will be open to the public from 10:00 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:30 AM to 1:00 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: 478 300 028
Password: qJ2-iGStRP34
https://dcnet.webex.com/dcnet/j.php?MTID=m98cde39750bd20eaace19ba67f6a4693

By phone:
1-650-479-3208 Call-in toll number (US/Canada)
Access code: 478 300 028

The agenda is available at https://dchealth.dc.gov/publication/board-social-work-agendas. For additional information, contact the Health Licensing Specialist at mavis.azariah@dc.gov or (202) 442-4782.

DEPARTMENT OF HEALTH

NOTICE OF PUBLIC MEETING

The Director of the Department of Health hereby gives the following corrected notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.))(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

Tuesday, July 21, 2020, from 10:00 a.m. until 12:00 p.m.
The meeting will be a virtual meeting via WebEx
The meeting link will be posted three (3) days prior to the meeting on doh.dc.gov/pdmp

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp

Please monitor the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp for updates. Phone inquiries will not be accepted regarding this topic.

HOPE COMMUNITY PUBLIC CHARTER SCHOOL

REQUEST FOR QUOTE (RFQ)

Hope Community Public Charter School is seeking a proposal from individuals or companies to provide the following services:

Computer Purchase at the Lamond Campus located at: 6200 Kansas Avenue NE, Washington, DC 20011 *and* the Tolson Campus located at: 2917 8th Street, NE, Washington, DC 20017. The deadline for submissions is July 31, 2020 by 12:00 pm. Bids received after this date and time will not be considered. Please submit your request to hope.rfp@imagineschools.org.

Hope PCS reserves the right to cancel this RFP at any time.

Please e-mail proposals and supporting documents to:
Trina McWilliams
hope.rfp@imagineschools.org

HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL

NOTICE OF REQUEST FOR PROPOSALS/QUOTATIONS

Long-term COVID-19 Protection Services

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science (HU-MS2) hereby post notice that it will be will be accepting bids for the following services:

To Provide Long-term COVID-19 Protection Services: to provide application of an EPA registered FDA approved non-toxic antimicrobial coating that binds to surfaces and helps kill COVID-19 for up to 90 days, at Howard University Public Charter School of Mathematics & Science (HU-MS2), for a contract period of 1 year.

Interested parties should email at info@hu-ms2.org beginning Friday, July 17, 2020 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Friday, July 24, 2020 by 2:00 pm**. **All bids not addressing all areas as outlined in the RFP will not be considered.**

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

AMENDED NOTICE OF FUNDING AVAILABILITY (NOFA)

FY20 Neighborhood Prosperity Fund (NPF)

Request for Application (RFA) Release Date: July 24, 2020

This notice supersedes the notice published in DC Register on 07/03/2020 volume 67/27

The Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of proposals for the FY20 Neighborhood Prosperity Fund (NPF). DMPED will award up to maximum of $3 million in FY20 to grantees under this program. The application deadline is **Thursday, August 13, 2020 at 12:00 noon EST**.

As the impacts of the coronavirus (COVID-19) pandemic continue to expand, businesses are struggling to adapt to new ways of life along with the ability to continue normal operations – especially with construction projects and overall capital expenditure programs. The Office of the Deputy Mayor for Planning and Economic Development welcomes submissions directly connected to this goal. DMPED will fund non-residential components of a mixed-use real estate project or retail development project in targeted Census tracts where unemployment is 10% or greater. A map of these targeted Census tracts can be found http://arcg.is/OLz80.

The grant provides necessary funding only for the commercial component of development projects. DMPED will award 1 or more grants for an aggregate total of $3,000,000.00.

Minimum application request of $250,000.00 for each grant.

Eligibility:

1. Projects must be within the statutory boundaries of the Neighborhood Prosperity Fund (see at http://arcg.is/OLz80.
2. Mixed-use residential proposed project must include, at a minimum, an amount of affordable dwelling units (ADU's) that are equivalent to and compliant with the Inclusionary Zoning provisions of the District of Columbia Zoning Regulations (11DCMR §§ 2600 *et seq.* (2012)).
3. 50% of the tenants must be identified and/or secured through letters of intent evidenced by executed lease agreements or executed commitments to lease.
    a. *Preference will also be given to projects that improve fresh food access (e.g. via grocery, sit-down or fast casual restaurants) or significantly support local businesses/entrepreneurs disproportionately affected by COVID.*
4. The developer of the project which is the subject of the grant application must commit to commence construction on the project within 18 months of the date of the executed grant agreement.
5. The developer of the project which is the subject of the grant application must demonstrate a commitment to support the sustainability of local business tenancy by

providing specific amenities and/or inducements, which may include rent concessions or abatements, flexible lease terms, etc.

Types of commercial component examples include, but are not limited to:

- Retail Store – clothing, jewelry, toys, electronics, hardware
- Cafes
- Grocery Stores
- Drugstores/Pharmacies
- Sit Down Restaurants (including fast-casuals format restaurants)
- Coffee Shops
- Medical Offices (doctor, dentist, chiropractor, urgent care)
- Professional office space

For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which will be posted at by https://greatstreets.dc.gov/page/neighborhood-prosperity-fund-npf. **Friday, July 24, 2020.**

Award of Grants: DMPED will award 1 or more grants for an aggregate total of $3 million.

For More Information: Check website at https://greatstreets.dc.gov/page/neighborhood-prosperity-fund-npf.

Questions may be sent to Sandra Villarreal, Grants Administrator at the Deputy Mayor for Planning and Economic Development at dmped.grants@dc.gov or 202-727-6365.

Reservations: DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or it may rescind the NOFA or RFA at any time in its sole discretion.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

INCLUSIONARY ZONING PROGRAM 2020 MAXIMUM INCOME, RENT AND PURCHASE PRICE SCHEDULE

This 2020 Maximum Income, Rent and Purchase Price Schedule is published pursuant to the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq*., as amended) and the Inclusionary Zoning Regulations codified in Chapter 10 of Title 11-C and Chapter 22 of Title 14 of the DCMR. This schedule is effective upon publication in the D.C. Register.

Maximum Annual Income[1] limits, Minimum Annual Income limits[2], rents and purchase prices are based on the Washington Metropolitan Statistical Area Median Family Income (MFI), previously referred to as Area Median Income (AMI). The MFI for a household of 4, as published by the U.S. Department of Housing and Urban Development (HUD) on April 1, 2020, is $126,000. The limits are adjusted for household size in this schedule.

Inclusionary Zoning (IZ) units currently exist only at the 50%, 60%, and 80% MFI levels. However, this schedule also includes the 30%, 100%, and 120% MFI maximum and minimum income levels and maximum rent and purchase price amounts, which are often used in residential developments that include Affordable Dwelling Units (ADUs). For ADUs that are subject to Affordable Housing Covenants that include specific formulas for calculating income limits, rents, and purchase prices, all figures provided here are for guidance only. Individuals must consult the particular affordability requirements imposed by the terms of the applicable Affordable Housing Covenants to determine the requirements applicable to the subject ADU.

For the first time, this schedule includes minimum income levels and maximum rent amounts for co-living rental units, priced slightly lower than studio rental units. In conjunction with the Office of Planning, the Department of Consumer and Regulatory Affairs, and the Deputy Mayor for Planning and Economic Development, the Department of Housing and Community Development (DHCD) has determined that co-living rental units will be subject to IZ and/or ADU, as applicable, set-aside requirements with rental amounts determined based on 75% of the rental amounts of studio units at the appropriate affordability level.

[1] The term "Maximum Annual Income" is used throughout this schedule to include both the Maximum Annual Household Income for ADU and maximum Household Annual Income for IZ purposes.

[2] The term "Minimum Annual Income" is used throughout this schedule to include both the Minimum Annual Household Income for ADU and minimum Household Annual Income for IZ purposes.

For further information, please contact the IZ Program Office, DHCD, 1800 Martin Luther King Jr. Avenue, SE, Washington, DC 20020 at (202) 442-7221 or iz.adu@dc.gov.

Household Size	Maximum Annual Income ($s)					
	30% of MFI	50% of MFI	60% of MFI	80% of MFI	100% of MFI	120% of MFI
1	26,450	44,100	52,900	70,550	88,200	105,850
2	30,250	50,400	60,500	80,650	100,800	120,950
3	34,000	56,700	68,050	90,700	113,400	136,100
4	37,800	63,000	75,600	100,800	126,000	151,200
5	41,600	69,300	83,150	110,900	138,600	166,300
6	45,350	75,600	90,700	120,950	151,200	181,450
7	49,150	81,900	98,300	131,050	163,800	196,550
8	52,900	88,200	105,850	141,100	176,400	211,700

Unit Size	Minimum Annual Income, based on Housing Costs not exceeding 50% of the Household's Annual Income ($s)					
	30% of MFI	50% of MFI	60% of MFI	80% of MFI	100% of MFI	120% of MFI
Co-Living	11,500	18,950	22,800	30,500	37,900	45,600
Studio	15,350	25,200	30,500	40,550	50,650	60,700
1 bedroom	16,300	27,100	32,650	43,200	54,250	65,300
2 bedroom	19,450	32,650	39,100	51,850	65,300	78,000
3 bedroom	22,800	37,900	45,600	60,700	75,850	91,200
4 bedroom	25,900	43,200	51,850	69,350	86,900	104,150

Note: Minimum Annual Incomes are only applicable for rental Inclusionary Units and ADUs and are not applicable if a Household has rental assistance, such as a rent voucher or subsidy.

Note: DHCD recommends that Households should not expend more than (a) 38% of their Annual Income on housing costs for rental Inclusionary Units and ADUs and (b) 41% of their Annual Income on housing costs for for-sale Inclusionary Units and ADUs.

Multi-Family Developments

Note: IZ units currently exist only at the 50%, 60%, and 80% MFI levels.

Bed-rooms	30% of MFI Units		50% of MFI Units		60% of MFI Units	
	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)
Co-Living	480	-	790	-	950	-
Studio	640	57,900	1,050	130,800	1,270	167,200
1	680	54,100	1,130	132,200	1,360	171,300
2	810	42,800	1,360	136,500	1,630	183,400
3	950	51,700	1,580	161,100	1,900	215,800
4	1,080	69,400	1,800	194,400	2,160	256,900

Bed-rooms	80% of MFI Units		100% of MFI Units		120% of MFI Units	
	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)
Co-Living	1,270	-	1,580	-	1,900	-
Studio	1,690	240,200	2,110	313,100	2,530	386,000
1	1,800	249,400	2,260	327,500	2,720	405,700
2	2,160	277,200	2,720	370,900	3,250	464,700
3	2,530	325,200	3,160	434,600	3,800	544,000
4	2,890	381,900	3,620	506,900	4,340	631,900

Single-Family Developments

	30% of MFI Units		50% of MFI Units		60% of MFI Units	
Bed-rooms	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)
2	810	104,400	1,360	198,200	1,630	245,100
3	950	121,700	1,580	231,000	1,900	285,700
4	1,080	130,200	1,800	255,200	2,160	317,700

	80% of MFI Units		100% of MFI Units		120% of MFI Units	
Bed-rooms	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)	Max. Rent ($s)	Max. Purchase Price ($s)
2	2,160	338,800	2,720	432,600	3,250	526,400
3	2,530	395,100	3,160	504,500	3,800	613,900
4	2,890	442,800	3,620	567,800	4,340	692,800

The Maximum Purchase Price or Maximum Allowable Rent is calculated based on a Household at the benchmark income spending no more than 30% of its income toward housing costs.

The 2020 MFI represents a 3.9% increase over the prior year MFI for the region ($121,300). Historically, however, for statistical and economic reasons the HUD MFI has often varied significantly from year to year declining as well as increasing. To facilitate the operation of the program and the planning of housing providers and residents alike, rents and monthly housing costs for purchase prices in this schedule are based on a 3% increase over the prior year. Any decreases that occur in future years will also be limited by 3% of the previous year's MFI.

Maximum Allowable Rent is equal to the rent published in the above tables minus any utility expenses paid by the tenant for water, sewer, electricity, natural gas, (see Schedule 1, last page of this document) trash, and any other fees required in order to occupy the unit, including, but not limited to, mandatory amenity fees or administrative fees. An owner of an IZ unit or ADU may lower the rents or prices below

the maximum rates identified in the tables to achieve a larger marketing band of incomes for marketing purposes to assure occupancy.

Maximum Purchase Prices are calculated using the following assumptions:

1. A conventional 30 year, fixed-rate, fully amortizing mortgage at the national average mortgage rate as published by the Federal Housing Finance Agency at www.fhfa.gov (3.46% as of April 2020) plus a 1.5% cushion to protect for future interest rate increases and a 5% down payment.

2. Real estate property taxes are assessed based on the control price at the current real estate tax rate of $0.85 per $100 of valuation and a homestead deduction of $75,700.

3. Condominium fees are estimated at $0.67 per square foot per month applied to the assumed unit square footages. Single-Family homeowner association fees are estimated at $0.13 per square foot per month applied to the assumed unit square footages. Estimated unit sizes are:

	Multi-Family Inclusionary Development				**Single-Family Inclusionary Development**		
Bed-rooms	Studio	1	2	3	2	3	4
Unit Size	525	625	925	1,050	1,100	1,300	1,500
Hazard Insurance	Included in Condominium Fee				120	130	190

NOTE 1. If the actual homeowner association/condominium fee for a specific unit is more than 10% higher than the fees assumed in this Schedule, then DHCD may use the actual fees to determine the Maximum Purchase Price.

NOTE 2. If the condominium fees for any given unit do not include hazard insurance, then DHCD may add the actual or estimated insurance costs to determine the Maximum Purchase Price.

NOTE 3. For unit types or target MFI not listed above, contact DHCD's IZ Program.

NOTE 4. Maximum Annual Incomes and Minimum Annual Incomes are rounded to the nearest 50, Maximum Allowable Rents are rounded to the nearest 10 and Maximum Purchase Prices are rounded to the nearest 100. Incomes within 1% of the Maximum Annual Incomes and Minimum Annual Incomes will be considered by DHCD.

NOTE 5. More information on IZ and ADUs is available at www.dhcd.dc.gov

Schedule 1: Estimated Utilities By Unit Type

The following utility estimates are produced by the District of Columbia Housing Authority. The estimates shall be deducted from the Maximum Allowable Rent if the tenant pays all or a portion of the required utilities. Only those utilities for which the tenant is responsible shall be deducted from the rental rate. For example, an 80% of MFI one-bedroom apartment for which the tenant pays electricity, but not water and sewer charges, will have a maximum rent of $1,620 ($1,800 Maximum Allowable Rent minus $180 estimated electricity cost).

Required fees are also deducted from the Maximum Allowable Rent. If this same property also charges a $500/year amenity fee, the pro-rated amount of $42/month would also be deducted from the rent, yielding a maximum allowable rent of $1,578.

Multi-family Developments

Unit type	Electricity ($s)	Gas ($s)	Water ($s)	Sewer ($s)	Total ($s)
Electric heat, hot water, and cooking					
Studio	130	N/A	13	17	160
1-bedroom	180	N/A	26	35	241
2-bedroom	231	N/A	39	52	322
3-bedroom	282	N/A	52	70	404
4-bedroom	332	N/A	65	87	484
Gas heat, hot water, and cooking					
Studio	36	45	13	17	111
1-bedroom	48	60	26	35	169
2-bedroom	60	76	39	52	226
3-bedroom	72	91	52	70	285
4-bedroom	84	106	65	87	342

Single-family Developments

Unit type	Electricity ($s)	Gas ($s)	Water ($s)	Sewer ($s)	Total ($s)
Electric heat, hot water, and cooking					
2-bedroom	335	N/A	39	52	426
3-bedroom	407	N/A	52	70	529
4-bedroom	477	N/A	65	87	629
Gas heat, hot water, and cooking					
2-bedroom	72	106	39	52	269
3-bedroom	86	128	52	70	336
4-bedroom	101	149	65	87	401

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request from Friendship Public Charter School (Friendship PCS) on June 12, 2020. The school seeks to amend its charter agreement by eliminating the cap on the number of students who can enroll in Friendship PCS – Collegiate Academy's online program (Collegiate Online). The school also proposes adding grades pre-kindergarten 3 (PK3) and pre-kindergarten 4 (PK4) to Friendship PCS – Online. The school seeks permission to begin making these adjustments in school year (SY) 2020-21.

Launched in SY 2018-19 with a maximum program enrollment of 100 full-time students per year, Collegiate Online is a virtual high school program. Friendship PCS would like to remove the 100-student program enrollment cap, increasing the number of available Collegiate Online seats.

Since SY 2015-16, Friendship PCS – Online has educated kindergarten through eighth grade students in a virtual setting. The school seeks to expand Friendship PCS – Online by adding PK4 in SY 2020-21 and PK3 in SY 2021-22.

Currently in its twenty-second year of operation, Friendship PCS educates students in grades PK3 through 12. The school believes the demand for full-time virtual programs will increase due to COVID-19 concerns surrounding in-person learning experiences. Friendship PCS plans to meet this need by offering additional seats for its online programs.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its enrollment and grades served.

DATES:

- Comments must be submitted on or before July 20, 2020.
- The public hearing will be on July 20, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be on September 21, 2020, at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Friendship PCS – Notice of Petition to Amend Charter – Program Enrollment Cap and Grade Expansion," by any one of the methods listed below.

1. Submit a written comment* via
    a) E-mail: public.comment@dcpcsb.org

b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010 *Please select only one of the actions listed.

2. Sign up to testify in person at the public hearing on July 20, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, July 16, 2020.

For Further Information, **contact** Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request from Rocketship Education DC Public Charter School (Rocketship PCS) on June 29, 2020 to amend its charter agreement. The school seeks emergency authorization to operate a temporary facility during school year (SY) 2020-21.[1]

Currently in its fourth year of operation, Rocketship PCS educates students in grades pre-kindergarten 3 through 5. In SY 2020-21, Rocketship PCS will open a new campus called Rocketship PCS – Infinity Community Prep (Rocketship PCS – Infinity). Rocketship PCS – Infinity will permanently operate in a Ward 5 facility located at 5450 3rd Street NE. The facility has been under renovation since late 2019, and the school expects the renovation to be complete by the middle of July 2020. As a contingency, the school proposes operating in a temporary facility located at 711 Edgewood Street NE if the renovation is not complete on time. The school would remain at the temporary facility for no more than 90 days.

Rocketship PCS – Infinity will co-locate with Social Justice Public Charter School (Social Justice PCS). Rocketship PCS – Infinity projects a 180-student population. Social Justice PCS projects a 65-student population.[2]

DC PCSB typically provides a 30-day public comment period on facility amendments, as well as at least 30 business days' notice to affected Advisory Neighborhood Commissions. However, this temporary facility amendment is being requested on an emergency basis due to potential COVID-19-related delays in construction at the school's permanent facility, which may prevent it from being ready in time for the start of SY 2020-21. It is vital that the school secure approval for this temporary facility as soon as possible as a contingency to ensure it is able to serve students and families in SY 2020-21 and avoid displacement of families.

DATES:

- Comments must be submitted on or before July 20, 2020.
- The public hearing and vote will be on July 20, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Rocketship PCS – Notice of Petition to Amend Charter – Temporary Facility," by any one of the methods listed below.

1. Submit a written comment via
    a) E-mail: public.comment@dcpcsb.org

b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010

2. Sign up to testify in person at the public hearing on July 20, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, July 16, 2020.

For Further Information, **contact** Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request from Social Justice Public Charter School (Social Justice PCS) on June 30, 2020 to amend its charter agreement. The school seeks emergency authorization to operate in a temporary facility during school year (SY) 2020-21.

Social Justice PCS begins its first year of operation in SY 2020-21, educating fifth and sixth graders. The school will co-locate with Rocketship Public Charter School – Infinity Community Prep (Rocketship PCS – Infinity) in a Ward 5 facility located at 5450 3rd Street NE. The facility has been under renovation since late 2019, and the school expects the renovation to be complete by the middle of July 2020. As a contingency, the school proposes operating in a temporary facility located at 711 Edgewood Street NE if the renovation is not complete on time. The school would remain at the temporary facility for no more than 90 days.

Social Justice PCS projects a 65-student population. Rocketship PCS – Infinity projects a 180-student population.[2]

DC PCSB typically provides a 30-day public comment period on facility amendments, as well as at least 30 business days' notice to affected Advisory Neighborhood Commissions. However, this temporary facility amendment is being requested on an emergency basis due to potential COVID-19-related delays in construction at the school's permanent facility, which may prevent it from being ready in time for the start of SY 2020-21. It is vital that the school secure approval for this temporary facility as soon as possible as a contingency to ensure it is able to serve students and families in SY 2020-21 and avoid displacement of families.

DATES:

- Comments must be submitted on or before July 20, 2020.
- The public hearing and vote will be on July 20, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Social Justice PCS – Notice of Petition to Amend Charter – Temporary Location," by any one of the methods listed below.[3]

1. Submit a written comment* via
   a) E-mail: public.comment@dcpcsb.org
   b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010

2. Sign up to testify in person at the public hearing on July 20, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, July 16, 2020.

For Further Information, **contact** Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-2046.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
American Federation of Government Employees, Local 631	
Complainant	PERB Case No. 20-U-23
	Opinion No. 1743
v.	**Motion for Preliminary Relief**
District of Columbia Office of Labor Relations and Collective Bargaining, et al.[1]	
Respondent	

DECISION AND ORDER

I. Statement of the Case

On March 31, 2020, the American Federation of Government Employees, Local 631 (Union) filed an Unfair Labor Practice Complaint (Complaint) against the District of Columbia Office of Labor Relations and Collective Bargaining, D.C. Department of Public Works, D.C. Department of General Services, D.C. Office of Planning, D.C. Office of Contracts and Procurement, D.C. Office of Zoning,[2] and D.C. Department of Environment and Energy (collectively the Agencies). The Union alleges that the Agencies violated the Comprehensive Merit Personnel Act (CMPA) by refusing to negotiate over the changes in working conditions unilaterally implemented in response to the coronavirus pandemic (COVID-19) and by failing to provide information necessary for the Union to fulfill its responsibilities.[2] The Union's Complaint was accompanied by a request for preliminary relief.

[1] The D.C. Department of Public Works, D.C .Department of General Services, D.C. Office of Planning, D.C. Office of Contracts and Procurement, D.C. Office of Zoning, and D.C. Department of Environment and Energy

[2] The Office of Labor Relations and Collective Bargaining stated in its Brief that it does not represent the Office of Zoning because it is an independent agency not under the personnel authority of the Mayor. As of the date of this Decision and Order on preliminary relief, the Board does not have enough information to render a decision regarding the Department of Zoning. The Board notes that there were no specific allegations in the Complaint, Brief or Oral Argument of violations of the CMPA by the Department of Zoning.

On April 8, 2020, the Executive Director requested that the parties brief specified issues related to the request for preliminary relief. The Union and the Agencies each filed a brief on April 14, 2020. The Board heard oral arguments from all parties on April 20, 2020.[3] For the reasons stated herein, the preliminary relief is granted, in part, as described.

II. Background

On March 11, 2020, the Mayor of the District of Columbia issued an Executive Order declaring a state of emergency in response to the public health emergency caused by COVID-19.[4] On March 17, 2020, the Council of the District of Columbia enacted the COVID-19 Response Emergency Amendment Act of 2020, (COVID-19 Emergency Act), which amended the District of Columbia Public Emergency Act and provided the Mayor with enumerated personnel powers to address COVID-19.[5] The language of the new section states in pertinent part:

> Notwithstanding any provision of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139, D.C. Official Code § 1-601.01 *et seq.*) ("CMPA") or the rules issued pursuant to the CMPA, . . . or any other personnel law or rules, the Mayor may take the following personnel actions regarding executive branch subordinate agencies that the Mayor determines necessary and appropriate to address the emergency:
>
> (A) Redeploying employees within or between agencies;
> (B) Modifying employees' tours of duty;
> (C) Modifying employees' places of duty;
> (D) Mandating telework;
> (E) Extending shifts and assigning additional shifts;
> (F) Providing appropriate meals to employees required to work overtime or work without meal breaks;
> (G) Assigning additional duties to employees;
> (H) Extending existing terms of employees;
> (I) Hiring new employees into the Career, Education, and Management Supervisory Services without competition;
> (J) Eliminating any annuity offsets established by any law; or
> (K) Denying leave or rescinding approval of previously approved leave.[6]

On March 16, 2020, the Union submitted a written request to bargain by email to the District's representative.[7] OLRCB responded to the email by stating "please advise as to what terms and conditions of employment for which you would like to bargain....Without more

[3] Barbara Hutchinson presented oral arguments on behalf of the Union and Michael Levy of the Office of Labor Relations and Collective Bargaining presented oral arguments on behalf of the Agencies.
[4] Mayor's Order 2020-045 (March 11, 2020).
[5] COVID-19 Response Emergency Amendment Act of 2020, D.C. Act 23-0247 (March 17, 2020)
[6] D.C. Official Code § 7-2304(b)(16).
[7] Complaint at 3.

specificity, I am not sure how to accommodate your request."[8] On March 18, 2020, the Union submitted a bargaining proposal to OLRCB, which was confirmed by OLRCB as received.[9]

On March 20, 2020, the Department of Public Works (DPW) initiated changes in working conditions without bargaining, requiring some employees to transition to a 10-hour shift.[10] DPW implemented these changes under the COVID-19 Emergency Act.[11] The Agencies stated that this change was necessary to address staffing shortfalls, allowing employees to spend more time at home with their families, and permitting DPW to safely carry out its mission.[12] The same day DPW implemented these changes, the Union requested documentation authorizing DPW to unilaterally change work schedules. OLRCB responded to the Union's request by email on the same day. OLRCB referred to the COVID-19 Emergency Act and D.C. Official Code § 1-617.08(a)(6) and stated "...the law does indeed allow for a change and modification of shifts without substantive bargaining with the union in this unprecedented and extraordinary situation."[13]

III. Discussion

Before the Board is the Union's motion for preliminary relief. Board Rule 520.15 states, "The Board may order preliminary relief. A request for such relief shall be accompanied by affidavits or other evidence supporting the request. Such relief may be granted where the Board finds that the conduct is clear-cut and flagrant; or the effect of the alleged unfair labor practice is widespread; or the public interest is seriously affected; or the Board's processes are being interfered with, and the Board's ultimate remedy may be inadequate." In order to grant a motion for preliminary relief, at least one of these conditions must be met. It is within this framework that the Board considers the Agency's actions and arguments in determining whether to grant the Union's request for preliminary relief.

A. <u>The Agencies have a statutory duty to bargain.</u>

The Union argues that the Agencies violated D.C. Official Code §1-617.04(a)(1) and (5) by refusing to negotiate with the Union over the changes in working conditions caused by COVID-19.[14] According to the Union, the current emergency legislation did not alter the Agencies' duty to bargain with the Union.[15]

The Agencies raise D.C. Official Code §1-617.08(a)(6), which states that management has the right to "take whatever actions may be necessary to carry out the mission of the District government in emergency situations." According to the Agencies, DPW's actions with respect to

[8] Union's Exhibit 2.
[9] Complaint at 3.
[10] Agencies' Br. at 3.
[11] Complaint at 3.
[12] Agencies' Br. at 3.
[13] Union's Exhibit 5.
[14] Complaint at 1.
[15] Union's Br. at 4.

operational shift changes were legal and proper. Furthermore, the Agencies state that, based on precedent from the National Labor Relations Board (NLRB) and the Federal Labor Relations Authority, there is no statutory duty to bargain during an emergency.[16] Finally, the Agencies claim that the Union has waived its right to bargain because the parties' collective bargaining agreement incorporates D.C. Official Code § 1-617.08(a).[17]

The first issue before the Board is whether the Agencies had a statutory duty to bargain during the emergency. In general, it is an unfair labor practice to refuse to bargain in good faith.[18] D.C. Official Code § 1-617.08 affords certain rights to management, which are nonnegotiable. However, even as to such nonnegotiable management rights, management must, upon request by the union, still bargain the impact and effects of its exercise of those rights.

Specifically relevant to the current dispute, D.C. Official Code §1-617.08(a)(6) states that management retains the sole right to "take whatever actions may be necessary to carry out the mission of the District government in emergency situations."[19] That right must be read in conjunction with the COVID-19 Emergency Act, which contains language enumerating the personnel actions the Mayor may take in section 301(a)(16), subsections (A)-(K).[20] The Council, by using the broad "notwithstanding clause," evidenced its intent to have the newly enacted amendment narrow the scope of the statute's earlier iteration.[21] The Board holds that the Council limited the authority of the Mayor during the pandemic emergency with respect to personnel actions and thereby limited the potential for broader action and impermissible erosion of collective bargaining rights in the name of an emergency. Therefore, the Board will treat actions enumerated in subsection (A)-(K) of the COVID-19 Emergency Act[22] taken during the pandemic as management rights, and those unilateral personnel actions are permitted in response to the current emergency. As stated above, management rights are nonnegotiable but are subject to impact and effects bargaining upon request.[23]

The Board also recognizes that some emergencies call for immediate action resulting in the suspension of the duty to bargain. However, the Board, like the NLRB, adopts a narrow view in applying this exception to the general duty to bargain. In *Port Printing*,[24] the NLRB explained a narrow exception to the duty to bargain during a financial emergency. The NLRB explained that the economic exigency exception is "limited to extraordinary events, which are an unforeseen occurrence, having major economic effect requiring that the company take immediate action."[25]

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[16] Agencies' Br. at 7.
[17] Agencies' Br. at 9.
[18] D.C. Official Code §§ 1-617.04(a)(5) and (b)(3).
[19] D.C. Official Code § 1-617.08(a)(6).
[20] D.C. Official Code § 7-2304(b)(16).
[21] *UDC v. AFSCME, District Council 20, Local 2087,* 130 A. 3d 355, 359-360 (D.C. 2016).
[22] D.C. Code § 7-2304(b)(16).
[23] *AFSCME District 20 and Local 2901 v. DPW*, 62 D.C. Reg. 5925, Slip Op. No. 1514 at 4, PERB Case No. 14-U-03 (2015) (citing *DCNA v. DMH*, 59 D.C. Reg. 9763, Slip Op. No. 1259, PERB Case No. 12-U-14 (20l2)).
[24] *Port Printing & Specialties*, 351 NLRB 1269 (2007), enfd. 589 F.3d 812 (5th Cir. 2009).
[25] *Id.* at 1270 (quoting *RBE Electronics of S.D.,* 320 NLRB 80, 81 (1995); *see Bottom Line Enterprises*, 302 NLRB 373, 374 (1991), enfd. 15 F.3d 1087 (9th Cir. 1994)).

"Absent a dire financial emergency. . . economic events such as a loss of significant accounts or contracts, operation at a competitive disadvantage, or supply shortages do not justify unilateral action."[26]

The facts of *Port Printing* are as follows. On September 22, 2005, an impending hurricane caused the mayor to order an immediate and citywide evacuation.[27] The company was compelled to take prompt action to respond to the hurricane and evacuation order.[28] The company closed its facility, resulting in a "forced layoff."[29] Seven days later, the owners of the company returned to the facility to survey the damage. On October 8, 2005, the company began the cleanup process and contacted customers to finish jobs. To complete these tasks the company used several bargaining unit employees, nonbargaining unit employees, and at least one supervisor.[30]

The NLRB held that the layoff without bargaining was not unlawful because the hurricane created the economic exigency.[31] However, the NLRB found that the company committed an unfair labor practice by failing to bargain over the impact and effects of the layoff.[32] Additionally, the NLRB found that the company committed an unfair labor practice when it failed to bargain over the decision to use nonbargaining unit employees to finish work because the time for immediate decision-making had passed.[33]

The Board finds this reasoning persuasive. The Board holds that, in an instance of an extraordinary event, which was an unforeseen occurrence, requiring an agency to take immediate action, management has the right to take actions it deems necessary to carry out its mission. But it must bargain the impact and effects of its decision. Moreover, if during the state of emergency the need for immediate decision-making has passed, then management must engage in substantive bargaining over mandatory subjects of bargaining. The COVID-19 emergency and the law enacted by the D.C. Council permitted DPW to make the decision to transition to a 10-hour shift. The decision is a nonnegotiable management right.

A union has the right to impact and effects bargaining over a management right only when it makes a timely request to bargain.[34] An unfair labor practice is not committed until there is a request to bargain and a "blanket" refusal to bargain.[35] Absent a request to bargain, management

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[26] *Port Printing & Specialties*, 351 NLRB 1269, 1270 (2007) (quoting *RBE Electronics of S.D.,* 320 NLRB 80, 81 (1995)).
[27] *Port Printing & Specialties*, 351 NLRB 1269, 1270 (2007).
[28] *Id.*
[29] *Id.* All employees were out of work and it was unclear if they would return.
[30] *Id.*
[31] *Id.*at 1270.
[32] *Id.*
[33] *Id.*
[34] *AFSCME District 20 and Local 2901 v. DPW*, 62 D.C. Reg. 5925, Slip Op. No. 1514 at 4, PERB Case No. 14-U-03 (2015) (citing *DCNA v. DMH*, 59 D.C. Reg. 9763, Slip Op. No. 1259, PERB Case No. 12-U-14 (20l2)).
[35] *AFSCME District 20 and Local 2901 v. DPW*, 62 D.C. Reg. 5925, Slip Op. No. 1514 at 4, PERB Case No. 14-U-03 (2015) (citing *FOP v. DOC*, 49 D.C. Reg. 8937, Slip Op. No. 679, PERB Case Nos. 00-U-36 and 00-U-40 (2002)).

does not violate the CMPA by unilaterally implementing a management right.[36] But even a broad, general request for bargaining "implicitly encompasses all aspects of that matter, including the impact and effect of a management decision that is otherwise not bargainable."[37]

Regarding impact and effects bargaining, the Agencies state that at no time did they refuse to bargain.[38] During oral arguments, however, the Agencies' representative stated that the Agencies are not available to participate in impact and effects bargaining because they are "stretched to the max" in supporting the District's response to COVID-19.[39] They claimed that they are "honoring" collective bargaining obligations in other ways, specifically by holding two telephone conference calls during which D.C. officials described the steps they were taking to an audience of some 100 union representatives, who were not permitted to ask questions or make comments during the call.[40]

Impact and effects bargaining is not waived, suspended, or "on pause" during an emergency, as suggested by the Agencies' representative.[41] The refusal to bargain is an unfair labor practice. It should also be noted that the CMPA states that "an effective collective bargaining process is in the general public interest and will improve the morale of public employees and the quality of service to the public."[42] The Board is unconvinced by the Agencies' claim of having no time to bargain. Bargaining cannot be postponed until the end of the emergency, at which time the Board's ultimate remedy may be inadequate. The Agencies' posture is incompatible with an effective collective bargaining process.

B. Information Requests

The duty to bargain collectively includes a duty to provide relevant information needed by a labor union for the proper performance of its duties as the employees' bargaining representative.[43] The Board has held that "an agency is obligated to furnish requested information that is both relevant and necessary to a union's role in: (1) processing of a grievance; (2) an arbitration proceeding; or (3) collective bargaining," and that a failure to do so is an unfair labor practice.[44]

The Union claims that the Agencies have denied information to the Union on shift changes and telework for bargaining unit members, as well as on employees' COVID-19 status.,[45] The Union requests, as preliminary relief, that the Board order the Agencies to notify the Union of the

[36] *AFSCME District 20 and Local 2901 v. DPW*, 62 D.C. Reg. 5925, Slip Op. No. 1514 at 4, PERB Case No. 14-U-03 (2015).
[37] *NAGE, Local R3-06 v. WASA*, 47 D.C. Reg 7551, Slip Op. No. 635 at 6, PERB Case No. 99-U-04 (2000).
[38] Agencies' Br. at 11.
[39] Transcript at 36.
[40] Transcript at 34.
[41] Transcript at 49.
[42] D.C. Official Code § 1-617.01(a).
[43] *FOP/MPD Labor Comm. v. MPD,* 59 D.C. Reg. 11371, Slip Op. No.1302 at 15, PERB Case Nos. 07-U-49, 08-U-13, and 08-U-16 (2012).
[44] *FOP/MPD Labor Comm. v. MPD*, 59 D.C. Reg. 6781, Slip Op. No. 1131 at 4, PERB Case No. 09-U-59 (2011).
[45] Complaint at 4 and 5.

department and work location where an employee is confirmed positive for COVID-19 and how many exposed employees were sent home on administrative leave for 14 days at the infected employee's location.[46] During oral argument, the Union's representative stated that "the District itself has not given any written response, per se to requests from the Union as the exclusive representative."[47]

The Agencies state that, in light of the overwhelming drain on management's time due to the COVID-19 response and the Board's reasonableness standard, the delay in responding to the information requests is not unreasonable and cannot constitute an unfair labor practice.[48] During oral argument, the Agencies' representative stated they are "engaging" with the Union in many ways, including city-wide phone calls and email communication.[49]

The Board finds that there is nothing in the management rights provisions of the CMPA or the COVID-19 Emergency Act to limit the Agencies' obligation to furnish requested information. The Agencies' efforts to engage with the Union through phone calls, conference calls, and emails do not satisfy the duty to provide relevant requested information. As stated above, the timing of providing the required information may be as practicable, but cannot be postponed to the end of the emergency when the Board's ultimate remedy may be inadequate.

C. Preliminary Relief is Warranted.

As stated above, Board Rule 520.15 provides, "The Board may order preliminary relief. A request for such relief shall be accompanied by affidavits or other evidence supporting the request. Such relief may be granted where the Board finds that the conduct is clear-cut and flagrant; or the effect of the alleged unfair labor practice is widespread; or the public interest is seriously affected; or the Board's processes are being interfered with, and the Board's ultimate remedy may be inadequate."

In determining whether to exercise its discretion to order preliminary relief, the Board need not find irreparable harm.[50] The Board looks to evidence supporting the request for preliminary relief, which must "establish that there is reasonable cause to believe that the [CMPA] has been violated and that the remedial purpose of the law will be served by *pendente lite* relief."[51]

In the instant case, the Agencies' repeated assertions that they have no duty to bargain are clear-cut and flagrant conduct. The Agencies have taken the declaration of an emergency as *carte blanche* to refuse to bargain and to implement unilateral changes. The very serious nature of the COVID-19 pandemic calls for swift and deliberate action, but that does not excuse the Agencies' refusal to participate in collective bargaining. The Agencies' actions seriously interfere with the

[46] Complaint at 6.
[47] Transcript at 19.
[48] Agencies' Br. at 12.
[49] Transcript at 33-34.
[50] *AFGE, Local 872 v. WASA*, 60 D.C. Reg. 16507, Slip Op. No. 1441 at 4, PERB Case No. 13-U-19 (2013)(citing *Automobile Workers v. National Labor Review Board*, 449 F.2d 1046 (D.C. 1971).
[51] Id.

Board's process. The Board notes that, had the Agencies included the Union in its deliberations, they would likely not be hearing this case. Due to the rapidly changing situation concerning COVID-19, the declared state of emergency and the conditions at the Agencies, the Board's ultimate remedy may be inadequate.

The Union requested that the Board order OLRCB to bargain with the Union immediately and provide the Union with the information that describes all changes made to working conditions in each agency represented by the Union.[52] As stated earlier, the Agencies have a duty to bargain over terms and conditions of employment; however management rights are nonnegotiable subjects of bargaining. The Council has explicitly listed enumerated rights during this emergency which the Board will treat as management rights. However, the Agencies still have an obligation to bargain over the impact and effects of a management rights decision, and the Agencies are obligated to furnish requested information.

The Union requests that the Board order the District to report the names of infected employees immediately to the D.C. Department of Health and all individuals confirmed positive with COVID-19 and that those potentially exposed to the infected individual be removed from the workplace and placed on administrative leave for 14 days in self-quarantine."[53] To the extent that the Union requests the Board order the Agencies to report to the Department of Health, the Board does not have jurisdiction to require one agency to report to another agency. With respect to the Union's request that the Board order individuals removed from the workplace and placed on administrative leave, this is outside the authority of the Board and would violate management's right to modify employees' tour of duty or place of duty under D.C. Official Code § 7-2304(b)(16)(B-C).

The Union requests that "the Board order the Union be notified ….of the department and work location where an employee is confirmed positive for COVID-19 and how many exposed employees were sent home on administrative leave for 14 days, at the infected employee's location."[54] The Board grants this request to the extent that it does not interfere with individuals' privacy rights or the management right to modify employees' tour of duty or place of duty under D.C. Official Code § 7-2304(b)(16)(B-C). The Agencies must provide the Union with relevant, requested information regarding health and safety.

The Union requests that the Board order telework for all eligible employees until the Center for Disease Control declares the COVID-19 pandemic over. This request would be outside the powers of the Board in ordinary circumstances; in this case, mandating telework is explicitly listed as action to be taken by agencies under D.C. Official Code § 7-2304(b)(16)(D), a nonnegotiable management right.

[52] Complaint at 6.
[53] Complaint at 6.
[54] Complaint at 6. To the extent the Union requested the Board order the Department of Health be notified, as stated earlier, the Board does not have jurisdiction to require one agency to report to another agency.

The Union requests that the Board order that no employees be required, without necessary protective equipment, to work in unsanitized areas, or unsanitized vehicles, and/or in close contact with the public.[55] This request is outside the powers of the Board. However, the Board notes that the health and safety of employees is a mandatory subject of bargaining which must be negotiated.

IV. Conclusion

Based on the foregoing, the Board grants the Union's request for preliminary relief, in part.

IT IS HEREBY ORDERED THAT:

1. The American Federation of Government Employees, Local 631's Request for Preliminary Relief is granted, in part.
2. The Department of Public Works shall bargain forthwith with the American Federation of Government Employees, Local 631 over the impact and effects of the transition to a 10-hour shift.
3. The Agencies, their agents and representatives, shall provide relevant requested information to the American Federation of Government Employees, Local 631 regarding health and safety conditions at the Agencies' facilities.
4. The Agencies shall advise the Board within 7 days of the issuance of this Decision of the actions they have taken to implement this Order.
5. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

April 23, 2020

Washington, D.C.

[55] Complaint at 6.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 20-U-23, Opinion No. 1743 was sent by File and ServeXpress to the following parties on this the 24th day of April, 2020.

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/s/ Merlin M. George
PERB

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
Andebrhan Berhe	
Complainant	PERB Case No. 19-U-08
	Opinion No. 1745
v.	**Motion for Reconsideration**
Washington Teachers' Union	
Respondent	

DECISION AND ORDER

I. Statement of the Case

Before the Board is a Motion for Reconsideration (Motion) filed by Andebrhan Berhe, *pro se*, (Complainant) on October 1, 2019. The Complainant, a former member of the Washington Teachers' Union (WTU), seeks the Board's reconsideration of its Decision and Order, sustaining the Executive Director's July 8, 2019, administrative dismissal of the Complainant's unfair labor practice complaint (Complaint). The Executive Director dismissed the Complaint for untimeliness.[1] WTU opposes the Motion.[2]

For reasons stated herein, the Board denies Complainant's Motion.

II. Background

On April 15, 2019, the Complainant filed a Complaint,[3] alleging that WTU committed unfair labor practices in violation of D.C. Official Code § 1-617.04(b)(1), (2), (3), and (5). The

[1] *Andebrhan Berhe v. Washington Teachers' Union*, Slip Op. No. 1723, PERB Case No. 19-U-08 (2019).
[2] In Respondent's Opposition to Complainant's Motion for Reconsideration, WTU contended that Complainant's Motion was untimely filed. Pursuant to Board Rule 559.2, a party may file a motion for reconsideration within fourteen (14) days after the issuance of the Board's decision. Complainant's Motion was filed On October 1, 2019, fourteen (14) days after the Board's decision and order was issued on September 16, 2019, and is therefore, timely.
[3] The Complainant filed an Amended Complaint on May 30, 2019, in order to submit new evidence.

Complaint alleged that WTU refused to represent the Complainant as a part of the class of probationary teachers represented by WTU against District of Columbia Public Schools in PERB Case No. 14-U-02.[4] On May 6, 2019, WTU moved to dismiss the Complaint for untimeliness.[5] On July 8, 2019, the Executive Director dismissed the Complaint as untimely, pursuant to Board Rule 520.4 which requires an unfair labor practice complaint be filed no later than 120 days after the complainant first knew or should have known of the acts giving rise to the alleged violations.[6]

On August 5, 2019, the Complainant filed a motion for reconsideration of the Executive Director's dismissal. On September 16, 2019, the Board issued Opinion No. 1723, which upheld the Executive Director's dismissal.[7] The Board found that the undisputed evidence showed that the Complainant knew or should have known of the acts giving rise to the alleged violation at the latest, on or about November 30, 2018.[8] The Board determined that the Complaint's April 15, 2019, filing date was beyond the 120-day deadline required by Board Rule 520.4. The Board found that the Complainant did not provide good cause for the Complaint's untimely filing.[9] The Board upheld the Executive Director's determination.[10]

III. Discussion

A motion for reconsideration cannot be based upon a mere disagreement with the Board's initial decision.[11] The Board has repeatedly held that a moving party must provide authority which compels reversal of the Board's decision.[12] Absent such authority, the Board will not overturn its decision.[13]

The Motion does not provide any legal authority which warrants reversal of the Board's finding that the Complaint was untimely filed. Instead, the Motion restates the arguments submitted to the Board in the Complaint that were considered and rejected by the Board in Opinion No. 1723. The Motion merely repeats the allegation that the Complainant was unaware of the act giving rise to the alleged violations—WTU's refusal to represent the Complainant—until March 22, 2019.[14] As previously stated, the Board found that the undisputed evidence showed that the Complainant knew or should have known of WTU's actions at the latest on or about November 30, 2018.[15] The Board finds that the Motion is based on a mere disagreement with the Board's initial decision that the Complaint was untimely filed and denies the Motion.

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[4] *Berhe*, Slip Op. No. 1723.
[5] WTU filed an amended Motion to Dismiss and Answer to Amended Complaint on June 14, 2019.
[6] *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. Metro. Police Dep't*, 65 D.C. Reg. 6430, Slip Op. No. 1661 at p. 2, PERB Case No. 17-U-26 (2018) (citing *Pitt v. D.C. Dep't of Corr.*, 59 D.C. Reg. 5554, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06 (2009)).
[7] *Berhe*, Slip Op. No. 1723.
[8] *Id*. at 3.
[9] *Id*. at 4.
[10] *Id*. at 4.
[11] *Washington Teachers' Union, Local #6 Am. Fed'n of Teachers v. Dist. of Columbia Pub. Schs*., 65 D.C. Reg. 6927, Slip Op. No. 1657 at 1, PERB Case No. 14-U-02 (2018).
[12] *Id*.
[13] *Id*.
[14] Mot. for Recons. at 3.
[1515] *Id*. at 3.

IV. Conclusion

The Motion for Reconsideration does not provide any authority to compel reversal of the Board's initial decision; therefore, the Complainant's Motion is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complainant's Motion for Reconsideration is denied.

2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

Washington, D.C.

May 28, 2020

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-U-08, Opinion No. 1745 was sent by File and ServeXpress to the following parties on this the 4th day of June 2020.

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Attorney Advisor

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
Andebrhan Berhe	
Complainant	PERB Case No. 19-U-20
	Opinion No. 1746
v.	**Motion for Reconsideration**
Washington Teachers' Union	
Respondent	

DECISION AND ORDER

I. Statement of the Case

Before the Board is a Motion for Reconsideration (Motion) filed by Andebrhan Berhe, *pro se*, (Complainant) on October 9, 2019. The Complainant, a former member of the Washington Teachers' Union (WTU), seeks the Board's reconsideration of the Executive Director's September 24, 2019, administrative dismissal of the Complainant's unfair labor practice complaint (Complaint). The Executive Director determined that the Complaint was barred by the doctrine of collateral estoppel. WTU opposes the Motion.

For reasons stated herein, the Board denies the Complainant's Motion and dismisses the Complaint.

II. Background

On April 15, 2019, the Complainant filed a Complaint,[1] alleging that WTU violated D.C. Official Code §§ 1-617.03(a)(1), (2), (4) and (5)[2] and 1-617.04(b)(1), (2), (3), (4), and (5). The

[1] The Complainant filed an amended unfair labor practice complaint on August 30, 2019, to submit additional evidence.

[2] In a letter dated August 19, 2019, the Executive Director determined that the allegations in the Complaint did not concern standards of conduct violations and that the matter would be processed as an unfair labor practice complaint.

Complaint alleged that WTU refused to represent the Complainant (1) in a grievance against District of Columbia Public School (DCPS) relating to the Complainant's termination in 2008 and (2) in PERB Case No. 14-U-02, filed on behalf of probationary teachers represented by WTU.[3] The Complainant requested that WTU reimburse the Complainant for all union dues paid from 2003 to August 2008, including interest.[4] On September 18, 2019, WTU moved to dismiss the Complaint for timeliness and on the grounds that the Complainant was barred from re-litigating claims already brought before the Board in PERB Case No. 19-U-08, Opinion No. 1723.[5]

In PERB Case 19-U-08, the Complainant alleged that WTU committed an unfair labor practice by refusing to represent him in a grievance against DCPS. On July 8, 2019, the Executive Director dismissed the complaint as untimely. In Opinion No. 1723, pertaining to PERB Case No. 19-U-08, the Board found the Executive Director's determination reasonable and supported by PERB precedent.[6] The Board denied the motion for reconsideration of the Executive Director's dismissal and dismissed the complaint as untimely.

In a letter filed on September 24, 2019, the Executive Director determined that the Complainant had filed the present Complaint on the same grievance as PERB Case No. 19-U-08. The doctrine of collateral estoppel bars the re-litigation of the issue of law or fact that was determined by the Board in a prior proceeding between the parties. Therefore, the Executive Director dismissed the Complaint.

III. Discussion

It is well settled that a mere disagreement by the Complainant with the Executive Director's decision is not a valid basis for the Board to grant a motion for reconsideration.[7] Moreover, the Board will not grant a motion for reconsideration that does not assert any legal grounds that would compel overturning an Executive Director's dismissal.[8] The Board will uphold an Executive Director's dismissal where the decision is reasonable and supported by Board precedent.[9]

In the Motion, the Complainant requests "the Board to waive the filing deadline to allow the case to proceed" because the Complainant did not learn until March 22, 2019, that WTU would not process the Complainant's grievance.[10] The Motion does not address the issue of collateral estoppel. Instead, the Complainant's Motion disagrees with the Board's determination in Opinion No. 1723 that the Complainant's unfair labor practice complaint was untimely filed.[11] Therefore,

[3] Am. Compl. at 1-5.
[4] Am. Compl. at 3.
[5] Resp't Mot. to Dismiss at 2; *Andebrhan Berhe v. Wash. Teachers' Union*, Slip Op. No. 1723, PERB Case No. 19-U-08 (Sept. 16, 2019).
[6] *Berhe*, Slip Op. No. 1723, at 4.
[7] *Kenneth Johnson v. D.C. Gov't and D.C. Metro. Police Dep't*, Slip Op. No. 1546 at 2, PERB Case No. 15-U-40 (2016).
[8] *Id*.
[9] *Id*.
[10] Mot. at 1, 4.
[11] Mot. at 1-4; *Andebrhan Berhe v. Wash. Teachers' Union*, Slip Op. No. 1723, PERB Case No. 19-U-08 (Sept. 16, 2019).

the Board finds that the Motion is merely an attempt to re-litigate the Board's decision in Opinion No. 1723 that the Complainant's unfair labor practice complaint was untimely filed.

Further, the Board finds that the Executive Director's decision is reasonable and supported by Board precedent. The doctrine of collateral estoppel prohibits the re-litigation of an issue of law or fact that was raised, litigated, and actually decided by a judgment in a prior proceeding between the parties, if the determination of that issue was essential to the judgment.[12] In Opinion No. 1723, the Board determined that the Complainant's allegations that WTU refused to represent the Complainant in a grievance against DCPS were untimely.[13] The Board determined that the issue of timeliness was first raised by WTU in WTU's motion to dismiss and that the Complainant had a full and fair opportunity to address this issue in the Complainant's unfair labor practice complaint and amended complaint.[14] The Board found that the Complainant knew or should have known that WTU was not going to represent the Complainant at the latest, on or about November 30, 2018, and that the complaint's filing date of April 15, 2019, was beyond the Board's 120-day filing deadline.[15] Further, in Opinion No. 1723, the Board found that the Complainant did not provide a reason for the complaint's untimely filing.[16] In the current matter, the Complainant has filed an unfair labor practice complaint on the same grievance. Accordingly, the Board finds that the Executive Director's determination that the doctrine of collateral estoppel bars the Complainant from re-litigating the Board's prior decision is reasonable and supported by Board precedent.

IV. Conclusion

The Motion for Reconsideration does not provide any authority to compel overturning the Executive Director's dismissal. Additionally, the Board finds that the Executive Director's decision is reasonable and supported by Board precedent. Therefore, the Complainant's Motion is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complainant's Motion for Reconsideration is denied.

2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

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[12] *Washington Teachers' Union v. D.C. Pub. Sch*., 38 D.C. Reg. 2650, Slip Op. No. 258 at 2, PERB Case No. 90-U-13 (1991) (*citing NLRB v. United Technologies Corp*., 706 F.2d 1254, 1260 (C.A. 2, 1983).
[13] *Berhe*, Slip Op. No. 1723 at 3-4.
[14] *Id*.
[15] *Id*.
[16] *Id*.

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

Washington, D.C.

May 28, 2020

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-U-20, Opinion No. 1746 was sent by File and ServeXpress to the following parties on this the 4th day of June 2020.

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Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
American Federation of Government Employees, Local 631	
Complainant	PERB Case No. 20-U-23
	Opinion No. 1747
v.	
	Motion for Reconsideration
District of Columbia Office of Labor Relations and Collective Bargaining, et al.[1]	
Respondent	

DECISION AND ORDER

The Motion for Reconsideration (Motion) is denied. The party filing the Motion does not raise any new arguments. In the absence of any new arguments, the Board rejects the Motion for the reasons stated in Opinion No. 1743.

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

May 28, 2020

Washington, D.C.

[1] The named respondents are D.C. Department of Public Works, D.C. Department of General Services, D.C. Office of Planning, D.C. Office of Contracts and Procurement, D.C. Office of Zoning, and D.C. Department of Environment and Energy

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 20-U-23, Opinion No. 1747 was sent by File and ServeXpress to the following parties on this the 12th day of June, 2020.

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/s/ Merlin M. George
PERB

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
American Federation of State, County and Municipal Employees, District Council 20, Local 2087	PERB Case No. 18-U-03
Complainant	Opinion No. 1751
v.	
University of the District of Columbia	
Respondent	

DECISION AND ORDER

I. Statement of the Case

On October 18, 2017, the American Federation of State, County and Municipal Employees, District Council 20, Local 2087 (AFSCME Local 2087) filed an Unfair Labor Practice Complaint (Complaint) against the University of the District of Columbia (UDC). The Complaint alleges that UDC violated section 1-617.04(a)(1) and (5) of the D.C. Official Code by unilaterally changing the past practice of paying eligible bargaining unit members within grade increases (WIGIs or step increases)[1] without first bargaining with AFSCME Local 2087.[2] On November 15, 2017, UDC timely filed its Answer to the Complaint, denying any unlawful actions. UDC also filed a Motion to Dismiss in which it further asserted that the Complaint was untimely.

A hearing was held in the matter. The Hearing Examiner's Report and Recommendation (Report) is before the Board, in addition to UDC's Exceptions to the Report and AFSCME Local 2087's Opposition to the Exceptions. For the reasons stated herein, the Board finds AFSCME Local 2087's Complaint is untimely.

[1] The parties and Hearing Examiner refer to "step increases" and "within grade increases" and "WIGIs" interchangeably.
[2] Complaint at 3.

II. Hearing Examiner's Report and Recommendation

A. Background

AFSCME Local 2087 is the exclusive representative of a bargaining unit of all full-time, non-faculty and continuing employees of UDC.[3] These employees are part of Compensation Units 1 and 2.[4]

In its Complaint, AFSCME Local 2087 alleged that UDC refused to pay step increases to bargaining unit employees since fiscal year (FY) 2011. Prior to FY 2011, UDC awarded step increases to employees subject to satisfactory completion of particular requirements.[5] The Fiscal Year 2011 Budget Support Act of 2010, D.C. Law 18-223, took effect and prohibited step increases and cost of living adjustments, notwithstanding any other provision of a collective bargaining agreement for the period between October 1, 2010, through September 30, 2011.[6] On October 27, 2011, the District lifted the statutorily mandated freeze on step increases for FY 2012.[7] The D.C. Department of Human Resources issued an electronic District Personnel Manual instruction stating "the freeze on within-grade increases (WIGIs) implemented and continued during fiscal year 2011 is being discontinued in FY 2012…Consequently, appropriate agencies are directed to take required steps to ensure that any system restrictions are removed to ensure that WIGIs resume this fiscal year."[8] UDC, asserting that the lift of the freeze with respect to the University must come from the UDC Board of Trustees, took no action and has not paid bargaining unit employees step increases since the freeze.[9]

On August 7, 2014, AFSCME Local 2087 received a memorandum from UDC's Vice President of Human Resources stating that UDC would not provide step increases to any employees until further notice, due to budgetary pressures and an upcoming implementation of the District's Department of Human Resources Classification and Compensation Reform Project.[10] AFSCME Local 2087 did not file a complaint at that time. On April 14, 2015, the Union informed the University, in writing, that the University's withholding of the WIGIs constituted "an unfair labor practice."[11] The Union did not file a complaint at that time, either.

In the years following the August 2014 memorandum, the parties met and had discussions several times a year regarding the step increases, but never reached an agreement. Current AFSCME Local 2087 President LaVerne Gooding-Jones testified that, on September 3, 2015, UDC officials stated that, if the District's Classification and Compensation project went forward,

[3] PERB Certification No. 149.
[4] Report at 3.
[5] Complaint at 2.
[6] Report at 4.
[7] Report at 4.
[8] Exhibit E-DPM Instruction
[9] Report at 18. UDC's former Vice President of Human Resources stated that some employees received step increases due to an automated system.
[10] Report at 6.
[11] Report at 6-7, Union Exhibit 16.

all union members who were not at their correct steps would be adjusted. Gooding-Jones testified that during the discussion UDC officials stated that UDC would pay step increases back to 2012.[12] In October of 2015, AFSCME Local 2087 requested a meeting with UDC President Ronald Mason. The agenda for the meeting included step increases. Gooding-Jones testified that President Mason gave her the impression that he believed union members were entitled to the funds and he was going to find the funds.[13] Gooding-Jones and other union officials met with UDC again in November of 2015, on December 3, 2015, on February 4, 2016, and on March 17, 2016. During all these meetings step increases were discussed and Gooding-Jones testified that UDC did not report any change to the status of the step increases but that it was still trying to find funding.[14] The March 17, 2016, meeting was the last meeting attended by UDC's former Vice President of Human Resources, Myrtho Blanchard. Gooding-Jones testified that Blanchard informed her that, while she was leaving UDC, the administration would continue to work to get the step increases for members.[15] Blanchard did not testify at the hearing.

AFSCME Local 2087 continued to meet with Blanchard's successor, Patricia Johnson, on November 3, 2016, and with President Mason, in December of 2016.[16] During the November meeting Gooding-Jones testified that UDC offered to pay the step increases for 2015 forward. This proposal was submitted to the union members and not accepted because they wanted retroactive payments to 2012.[17]

On June 2, 2017, UDC emailed Andrew Washington, Executive Director of AFSCME District Council 20. The email addressed the issue of the step increases and stated UDC's position that nothing in the collective bargaining agreement required UDC to grant step increases.[18] The email also stated that UDC was interested in resolving the matter without legal recourse and proposed a meeting between the parties.[19] On June 5, 2017, the parties met to discuss the step increases, but no resolution was reached.[20] AFSCME Local 2087 did not file a complaint at that time. Afterwards, Mr. Washington sent a follow-up email to UDC, requesting a status update. On June 22, 2017, UDC responded to Mr. Washington by resending the June 2, 2017, email.[21] On June 28, 2017, AFSCME Local 2087 filed a grievance regarding the step increases. On July 26, 2017, UDC denied the grievance.[22] After UDC's denial, AFSCME Local 2087 filed the instant Complaint.

[12] Report at 8-9.
[13] Report at 9.
[14] Report at 9-10.
[15] Report at 10.
[16] Report at 11.
[17] Report at 11.
[18] Report at 15.
[19] Report at 15.
[20] Report at 22.
[21] Report at 23.
[22] Report at 12.

B. Recommendations

The Hearing Examiner addressed two issues: (1) whether AFSCME Local 2087 timely filed the Complaint, and (2) whether UDC unilaterally and without bargaining ceased paying certain step increases.[23]

The Hearing Examiner found that the Complaint was timely filed. Based on the evidence presented at the hearing, the Hearing Examiner concluded that AFSCME Local 2087 was not clearly and unequivocally on notice of UDC's refusal to pay the step increases until June 22, 2017.[24] The Hearing Examiner also concluded that the unfair labor practice was ongoing and continuing as of 2012 to the date of the Complaint's filing.

The Hearing Examiner further concluded that UDC violated section 1-617.04(a)(1) and (5) of the D.C. Official Code by unilaterally failing and refusing to pay the bargaining unit employees step increases without first bargaining over the matter.[25]

III. Discussion

The Board will affirm a Hearing Examiner's Report and Recommendation if the recommendation is reasonable, supported by the record, and consistent with Board precedent.[26] The Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the hearing examiner."[27] Mere disagreements with a hearing examiner's findings or challenges to the hearing examiner's findings with competing evidence do not constitute proper exceptions, if the record contains evidence supporting the hearing examiner's conclusions.[28]

The Board has reviewed the findings, conclusions, and recommendation of the Hearing Examiner and, for the reasons discussed below, the Board rejects the Hearing Examiner's determination that the Complaint was timely filed.

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[23] AFSCME Local 2087 also alleged that UDC committed an unfair labor practice by refusing to arbitrate the Union's June 28, 2017 grievance. The Hearing Examiner stated that AFSCME Local 2087 did not seriously pursue this allegation at the hearing or in its brief. The Hearing Examiner recommended dismissal of AFSCME Local 2087's position that UDC violated the D.C. Official Code by refusing to arbitrate over the June 28, 2017 grievance. Board Rule 550.18 states that if a party fails to prosecute an action, the Hearing Examiner may recommend the Board dismiss the action with prejudice. No Exceptions were filed on this issue. Therefore, we accept the Hearing Examiner's dismissal of this allegation.

[24] Report at 36.

[25] Report at 38.

[26] *See Am. Fed'n of Gov't Emp., Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

[27] *Council of Sch. Officers, Local 4, Am. Fed'n of Sch. Adm'r v.* Slip Op. 1016 at 6; *Tracy Hatton v. FOP/DOC Labor Comm.*, 47 D.C. Reg. 769, Slip Op. No. 451 at 4, PERB Case No. 95-U-02 (1995).

[28] *Sinobia Brinkley v. Fraternal Order of Police/Metro. Police Dep't Labor Comms., District 20, Local 2087*, 60 D.C. Reg. 17387, Slip Op. No. 1446, PERB Case No. 10-U-12 (2013).

A. Past Practice

In its Complaint, AFSCME Local 2087 asserts that UDC violated the CMPA by unilaterally changing a past practice of providing step increases to bargaining unit employees. In its Exceptions, UDC argues that the Hearing Examiner erred in finding that UDC had a past practice of paying step increases and that the failure to pay step increases constituted an unfair labor practice.[29] UDC argues that AFSCME Local 2087 has not satisfied its burden by a preponderance of the evidence that such a past practice existed.[30]

The Board has stated that a unilateral change in established and bargainable terms and conditions of employment constitutes an unfair labor practice, unless such terms and conditions are specifically covered by the parties' collective bargaining agreement.[31] A past practice is an unwritten term and condition of employment.[32] Employers are obligated to observe these unwritten terms and the Board has found that a unilateral change to a past practice is an unfair labor practice.[33]

The Hearing Examiner credited the testimony of AFSCME Local 2087's witnesses in finding that the practice of step increases dated back to the 1970s.[34] The Hearing Examiner also noted that UDC's witnesses did not include Blanchard and President Mason, whom the Hearing Examiner considered "vital" witnesses.[35] The Hearing Examiner also noted that UDC's witnesses were hired after the step increases became an issue.[36] Furthermore, the Hearing Examiner noted that there had been interruptions in the payments of the step increase before the 2011 freeze, but payments resumed following each interruption. The Hearing Examiner found that "these events did not relieve UDC of its obligation to pay the WIGIs after the lifting of the 2011 freeze unless it first bargained with the Union."[37] The Hearing Examiner made a factual determination that a past practice existed based on the evidence presented, which is supported by the record.

The Board agrees with the Hearing Examiner's conclusion that there was a past practice of paying employees step increases.

B. Timeliness

[29] Exceptions at 8.
[30] Exceptions at 11.
[31] *AFGE, Local 2978 v. DOH*, 62 D.C. Reg. 2874, Slip Op. No. 1499 at 1-2, PERB Case No. 14-U-14 (2015).
[32] *FOP/ MPD Labor Comm. v. MPD*, 60 D.C. Reg. 9212, Slip Op. No. 1391 at 22, PERB Case Nos. 09-U-52 and 09-U-53 (2013)
[33] *Dist. Council 20 AFSCME Locals 1200, 2776, 2401 & 2087*, 46 D.C. Reg. 6513, Slip Op. No. 590, PERB Case No. 97-U-15A)
[34] Report at 37.
[35] Report at 35.
[36] Report at 35.
[37] Report at 37.

Board Rule 520.4 states that an unfair labor practice complaint must be filed no later than 120 days after the date on which the alleged violations occurred. The Board has stated that the 120-day filing deadline for a complaint begins to run when the complainant first knew or should have known of the acts giving rise to the alleged violation.[38]

The Board disagrees with the Hearing Examiner's finding that the unfair labor practice violation was "an ongoing and continuing one."[39] The Board has previously looked to the Superior Court, which has stated, "…such violations are limited to those 'whose character as a violation did not become clear until [they] w[ere] repeated during the limitations period, typically because it is only [the] cumulative impact...that reveals [their] illegality."[40] Specifically, the Superior Court observed, "[T]he Court in *AKM* noted that the 'mere failure to right a wrong... cannot be a continuing wrong which tolls the statute of limitations,' for if it were, 'the exception would obliterate the rule.'"[41] The Board finds that the facts in this case do not satisfy the Superior Court's definition of a continuing violation.

The Hearing Examiner concluded that June 22, 2017, was the date that AFSCME Local 2087 first had knowledge that UDC would not pay step increases.[42] The Board finds the Hearing Examiner's conclusion that the Complaint was timely filed is unreasonable and inconsistent with the record.

The Board considers the record to determine when AFSCME Local 2087 knew or should have known that UDC had ended its past practice of paying step increases. The record shows that on October 27, 2011, the statutorily mandated freeze on step increases was lifted. Since the freeze, UDC has intentionally not paid step increases.[43] UDC's 2014 Memo clearly stated, "The University will not be issuing step increases or within grade increases to any employees until further notice due to budgetary pressures…."[44] AFSCME Local 2087 clearly knew as of its receipt of the 2014 Memo that UDC was not paying step increases and that its action constituted an unfair labor practice. In fact, AFSCME Local 2087 noted almost a year later, in response to the 2014 Memo, that "The University action of denying unionized positions their within-grade salary increases that have met the appropriate waiting period is an Unfair Labor Practice."[45] Yet, AFSCME Local 2087 did not file an unfair labor practice complaint at that time.

AFSCME Local 2087's President testified that the Union believed UDC's actions had amounted to an unfair labor practice for almost two years as of 2016, but still failed to file a complaint until 2017.[46] The record shows that the unilateral change occurred in 2011 when the

[38] *Pitt v. D.C. Dep't of Corrections*, 59 D.C. Reg. 5554, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06 (2009).
[39] Report at 36.
[40] *MPD v. FOP/MPD Labor Comm.*, 62 D.C. Reg. 14606, Slip Op. No. 1535, PERB Case No.09-U-48(R)(2009) (citing *AKM LLC, d/b/a Volks Constructors v. Sec'ty of Labor,* 675 F.3d 752, 757 (D.C. Cir. 1977)).
[41] Id.
[42] Report at 36.
[43] Answer at 2.
[44] Union Exhibit 15.
[45] See n.11, above.
[46] Tr. at 46.

salary freeze was lifted and UDC did not resume its past practice of paying step increases, and AFSCME Local 2087 knew or should have known of the unilateral change by 2014, at the latest, well before the Complaint was filed on October 17, 2017. Although a unilateral change to a past practice is an unfair labor practice, the Board finds that the Complaint is untimely.

UDCs representatives continued to assure AFSCME Local 2087, in several meetings from 2011 through 2016, that employees were entitled to the within-grade salary increases and that the University wanted to resolve the matter amicably without legal recourse. Those assurances could be viewed as an attempt to lull AFSCME Local 2087 into complacency and, if the facts were different, could have provided a basis to toll filing deadline. However, the Union witnesses' testimony, noted by the Hearing Examiner, indicates that AFSCME Local 2087 was clearly aware of the unfair labor practice years before it filed the complaint at issue here. Notwithstanding UDC's actions, the Union was put on notice of the unfair labor practice when it received the University's August 2014 memorandum, and it sat on its rights to its detriment.[47]

IV. Conclusion

The Board finds that the unfair labor practice complaint was filed untimely and dismisses it in its entirety.

ORDER

IT IS HEREBY ORDERED THAT:

1. The American Federation of State, County, Municipal Employees, District Council 20, Local 2087's unfair labor practice complaint is dismissed.

2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Douglas Warshof and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Peter Winkler.

May 28, 2020

Washington, D.C.

[47] The Hearing Examiner found that the Union was put on notice of the University's unfair labor practice by the June 22, 2017 email that University Vice President Johnson's executive assistant sent to Union Executive Director Washington. The June 22 email, however, was simply a verbatim retransmission of a June 5 email that Johnson herself had sent to Washington. Neither the Union nor the Hearing Examiner satisfactorily explained what the Union learned on June 22 that it did not already know on June 5. Accordingly, even if we agreed with the Hearing Officer regarding the significance of the email, we would find that the Union had 120 days from June 5 to file a complaint, and therefore that the October 18 complaint was untimely.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 18-U-03, Opinion No. 1751 was sent by File and ServeXpress to the following parties on this the 17th day of June, 2020.

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/s/ Merlin M. George
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Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	)	
Fraternal Order of Police/ Metropolitan Police Department Labor Committee	)	PERB Case No. 20-E-02
Petitioner	)	
v.	)	Opinion No. 1752
District of Columbia Metropolitan Police Department	)	
Respondent	)	

DECISION AND ORDER

I. Statement of the Case

On May 4, 2020, pursuant to Board Rule 560.1, the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP) filed a Petition for Enforcement (Petition). FOP requests enforcement of PERB Case No. 18-A-09, Opinion No. 1684.[1] FOP alleges that the District of Columbia Metropolitan Police Department (MPD) has failed to comply with Opinion No.1684. MPD opposes the Petition.

The Board finds that the uncontested facts establish FOP's entitlement to relief. The Petition for Enforcement is granted.

II. Background

. MPD requested review of the arbitration award in this case, asserting that the Arbitrator improperly interpreted D.C. Official Code § 5-1031 (the 90-day rule) and that the award was contrary to law and public policy. The 90-day rule requires MPD to commence an adverse action within 90 days of when it knew or should have known of the alleged misconduct. When there is a criminal investigation, the 90-day rule is tolled until the conclusion of the investigation.[2] In the award, the Arbitrator found that there was no evidence in the record of a criminal investigation

[1] *MPD v. FOP/MPD Labor Comm.*, 65 D.C. Reg. 12884, Slip Op. No. 1684, PERB Case No. 18-A-09 (2018).
[2] D.C. Official Code § 5-1031(b)

after March 8, 2011.[3] The Arbitrator found MPD violated the 90-day rule by not issuing a notice of proposed adverse action until over a year later. The Arbitrator directed MPD to make the Grievant whole by restoring him to work and providing back pay.[4]

Before the Board, MPD claimed that the investigation continued until the Grievant was convicted in Superior Court in December of 2011. The Board found that by submitting a matter to arbitration, the parties agree to be bound by the Arbitrator's interpretation of the parties' agreement, related rules and regulations, as well as the evidentiary findings on which the decision is based.[5] The Board denied MPD's arbitration review request.

Thereafter, MPD appealed the Board's decision to the Superior Court of the District of Columbia. On January 17, 2020, MPD's appeal was denied as untimely.[6] MPD then filed a Motion for Reconsideration of the Superior Court's January 17, 2020 Order. On January 28, 2020, the Superior Court issued an order denying MPD's Motion for Reconsideration.[7] MPD did not appeal that decision to the D.C. Court of Appeals.[8]

III. FOP's Entitlement to Relief

FOP asserts that MPD has failed to comply with Opinion No. 1684 by refusing to reinstate the Grievant. FOP requests that the Board seek enforcement in Superior Court of the arbitration award at issue in Opinion No. 1684 and compel MPD to comply with the terms of the arbitration award.[9]

MPD's Opposition to the Petition does not dispute that FOP prevailed at arbitration and that MPD has not implemented the award. MPD admits it has not responded to FOP's request to reinstate the Grievant.[10] MPD argues that the award is null and void based on the Board's decision in PERB Case No. 18-A-17, Opinion No. 1702. In Opinion No. 1702, the Arbitrator found that the 90-day rule was tolled by a criminal investigation. The Board found that the Arbitrator stopped the tolling of the statute while the conduct continued to be the subject of a criminal investigation and set aside the Arbitrator's determination that MPD violated the 90-day rule. MPD uses this case to argue that cases under investigation by the United States Attorney's Office (USAO) are tolled until the outcome of the USAO investigation when the Grievant was convicted. However, in the instant case, the Arbitrator found there was no criminal investigation after March 8, 2011, and did not toll the statute of limitations set by the 90-day rule. Opinion No. 1702 has no effect on the Board's decision in Opinion No. 1684. MPD is merely attempting to re-litigate the Board's earlier dismissal of its arbitration review request.

The elements for granting a petition are present herein. FOP prevailed at arbitration. The Board issued Opinion No. 1684, finding no grounds to set aside, modify, or remand the arbitration

[3] Pet. Ex. 1 at 9.
[4] Award at 10.
[5] Slip Op. No. 1684 at 5.
[6] Pet. Ex. 3.
[7] Pet. Ex. 4.
[8] Petition at 3.
[9] Petition at 5.
[10] Opposition to Petition at 3.

award. MPD untimely appealed to the Superior Court of the District of Columbia, and as a result, the Superior Court denied MPD's appeal.[11] MPD exhausted its appeal rights of the arbitration award, and the award is final. MPD must fully comply with the terms of the arbitration award, which includes reinstating the Grievant, providing back pay, compensating FOP for all legal fees in connection with this matter, and all other requirements specified by the award.[12]

The Board has held, "When a party fails or refuses to implement an arbitration award where there is no dispute over its terms, such conduct constitutes a failure to bargain in good faith [], thus, an unfair labor practice."[13] Therefore, the Petition for Enforcement is granted. The Board will seek judicial enforcement of its Decision and Order in Opinion No. 1684, as provided under D.C. Official Code § 1-617.13(b).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Fraternal Order of Police/Metropolitan Police Department Labor Committee's Petition for Enforcement is granted;

2. Within ten (10) days from issuance of this Decision and Order, the Metropolitan Police Department shall fully comply with the terms of the arbitration award, if it has not already done so, and shall notify the Public Employee Relations Board in writing that it has complied;

3. The Board shall proceed with enforcement of PERB Case No. 18-A-09, Opinion No. 1684, pursuant to §§ 1-605.02(16) and 1-617.13(b) of the D.C. Official Code, if full compliance with PERB Case No. 18-A-09 is not made within ten (10) days of the issuance of this decision and order;

4. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

June 18, 2020
Washington, D.C.

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[11] Pet. Ex. 3

[12] The Petition requests the Board to order all attorney fees incurred from the date of the award to the date the Superior Court enters its Order. The award in this matter directed MPD to compensate MPD for all legal fees incurred in connection with this matter. The Board has upheld attorney fees when presented with the question in the context of the Board's appellate jurisdiction. The Board finds that MPD is ordered to pay FOP's attorney fees in line with the award.

[13] *FOP/MPD Labor Comm. v. MPD*, 63 D.C. Reg. 14055, Slip Op. No. 1592, PERB Case No. 11-E-02 (2016). *See MPD v. FOP/MPD Labor Comm.*, 997 A.2d 65, 79 (D.C. 2010).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 20-E-02, Opinion No. 1752 was sent by File and ServeXpress to the following parties on this the 2nd day of July, 2020.

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PERB

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:	
District of Columbia Metropolitan Police Department	PERB Case No. 20-A-05
Petitioner	Opinion No. 1753
v.	
Fraternal Order of Police/ Metropolitan Police Department Labor Committee	
Respondent	

DECISION AND ORDER

I. Statement of the Case

On March 4, 2020, the District of Columbia Metropolitan Police Department (MPD) filed this Arbitration Review Request (Request) pursuant to the Comprehensive Merit Personnel Act (CMPA), D.C. Official Code § 1-605.02(6). MPD seeks review of an arbitration award (Award) on the grounds that the Arbitrator exceeded his authority and the Award is contrary to law and public policy. The Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP) filed a timely Opposition to the Request.

Upon consideration of the Arbitrator's conclusions, the applicable law, and record presented by the parties, the Board concludes that the Arbitrator did not exceed his authority and the Award is not contrary to law and public policy. Therefore, the Board denies MPD's Request.

II. Arbitration Award

A. Background

The Grievant is a three-year veteran of MPD and suffered a serious motor vehicle accident requiring her to be placed on performance of duty sick leave (POD).[1] While on POD, on February

[1] Award at 2-3.

15, 2015, the Grievant requested annual leave to attend to family issues. The Grievant later admitted that she made untruthful statements regarding her reason for requesting leave.[2] The Grievant returned to limited duty on February 23, 2015, as scheduled.[3]

On May 11, 2015, MPD issued a Notice of Proposed Adverse Action containing two charges: (1) "Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/her duties…." and (2) "AWOL (Absent Without Leave)…."[4]

On September 15, 2015, an Adverse Action Panel (Panel) recommended that the Grievant be terminated.[5] The Final Notice of Adverse Action found the Grievant guilty of both charges and recommended termination for Charge 1 and a 30-day suspension for Charge 2.[6]

The Grievant appealed the Panel's decision to the Chief of Police, who denied the appeal.[7] MPD terminated the Grievant, effective January 16, 2016.[8] Thereafter, the parties proceeded to arbitration.

B. Arbitrator's Findings

The parties submitted the following issues to the Arbitrator in their briefs: (1) Whether MPD violated the Grievant's right to due process by prohibiting her from introducing evidence of mitigating circumstances and extenuations as required by law, as well as the Trial Board Handbook, and (2) whether termination is an appropriate penalty.[9]

On the first issue submitted to the Arbitrator, the Arbitrator found that MPD did not violate the Grievant's right to due process. However, on the second issue, the Arbitrator found that termination was not an appropriate penalty. The Arbitrator concluded that the Panel's analysis was unsupported by the record and lacked sufficient explanation of the twelve (12) factors articulated in *Douglas v. Veterans Administration,* 5 M.S.P.B. 313 (1981) (*Douglas* factors).[10] Specifically, the Arbitrator found that the Panel did not give appropriate consideration to the Grievant's work record or to the extent of discipline imposed in comparable cases.[11] The Arbitrator stated that the penalty of termination was too severe and found that an appropriate reasonable penalty in this case was a 45-day suspension.[12] The Arbitrator ordered the Grievant reinstated and made whole, with back pay retroactive to the date the 45-day suspension would have been fully served.[13]

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[2] Award at 4.
[3] Award at 4.
[4] Award at 4-5.
[5] Award at 6.
[6] Award at 6.
[7] Award at 6.
[8] Award at 6.
[9] Award at 2.
[10] Award at 13.
[11] Award at 24.
[12] Award at 25.
[13] Award at 25.

III. Discussion

Section 1-605.02(6) of the D.C. Official Code permits the Board to modify, set aside, or remand a grievance arbitration award in only three narrow circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar unlawful means.[14] MPD requests review on the grounds that the Arbitrator exceeded his contractual authority and acted contrary to law and public policy.

A. The Arbitrator did not exceed his authority.

MPD argues that the Arbitrator exceeded his contractual authority by relying heavily on material outside of the record. MPD states that the Grievant presented two cases of allegedly comparable discipline, each of which post-dated the Departmental hearing.[15] According to MPD, Article 12, § 8 of the parties' collective bargaining agreement states that any further appeal shall be based solely on the record established at the Departmental hearing and the Arbitrator should not have considered the additional cases.[16]

The test the Board uses to determine whether an arbitrator has exceeded his jurisdiction and was without authority to render an award is "whether the Award draws its essence from the collective bargaining agreement."[17] The Board's standard for determining whether an award "draws its essence" from a collective bargaining agreement is:

> [1] Did the arbitrator act 'outside his authority' by resolving a dispute not committed to arbitration?; [2] Did the arbitrator commit fraud, have a conflict of interest or otherwise act dishonestly in issuing the award?; [a]nd [3] [I]n resolving any legal or factual disputes in the case, was the arbitrator arguably construing or applying the contract? So long as the arbitrator does not offend any of these requirements, the request for judicial intervention should be resisted even though the arbitrator made 'serious,' 'improvident' or 'silly' errors in resolving the merits of the dispute.[18]

The Board finds no merit to MPD's argument that the Arbitrator exceeded his contractual authority. As stated above, Article 12, § 8 of the parties' collective bargaining agreement states that "in cases where a Departmental hearing has been held, any further appeal shall be based solely on the record established in the Departmental hearing."[19] The Board has previously found that an

[14] D.C. Official Code § 1-605.02(6).
[15] Request at 7.
[16] Request at 7-8.
[17] *DCPS v. AFSCME, District Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156 at 5, PERB Case No. 86-A-05 (1987).
[18] *FOP/MPD Labor Comm. (on behalf of Bishop) v. MPD*, 63 D.C. Reg. 14073, Slip Op. No. 1593 at p. 12, PERB Case No. 15-A-03 (2016) (quoting *Michigan Family Res., Inc. v. Serv. Emp. Int'l Union, Local 517M*, 475 F.3d 746, 753 (6th Cir. 2007)).
[19] Request at 6.

arbitrator could reasonably conclude that Article 12 of the collective bargaining agreement concerns only MPD's internal disciplinary proceedings and that by "further appeal" Article 12 is referring to an appeal of the Panel's decision to the Chief of Police.[20] The Board has held that an arbitrator does not exceed his authority by exercising his equitable power, unless it is expressly forbidden by the collective bargaining agreement.[21] MPD fails to cite to any provisions of the collective bargaining agreement that expressly restrict the Arbitrator's authority. Furthermore, the CMPA does not authorize the Board to overturn an award based on the weight attributed to evidence.[22] Therefore, the Board does not find grounds to overturn the Award.

B. The Award is not contrary to law and public policy.

In its Request, MPD argues that the Award violates clearly defined public policy relying on 6-B DCMR § 873.11(m) which provides that any person who "knowingly made any false statement or falsified any document concerning any matter" is ineligible to serve as a police officer.[23] MPD asserts that, based on the DCMR, the Arbitrator's decision to reinstate the Grievant is void as contrary to law and public policy.[24] In advancing this argument, MPD cites a decision by the Massachusetts Supreme Judicial Court vacating an arbitration award that reinstated an officer who made a false police report, on the grounds that the arbitration award was contrary to law and public policy.[25] As the Board recently held in another case involving the same parties, 6-B DCMR § 873.11(m) is applicable only to entry-level candidates for a police officer position, and the Massachusetts case is not binding on the Board.[26]

The Board has held that a disagreement with an arbitrator's choice of remedy does not render an award contrary to law and public policy.[27] MPD disagrees with the Arbitrator's conclusions concerning the appropriate penalty to be imposed. This is not a sufficient basis for concluding the Award is contrary to law and public policy. For the aforementioned reasons, MPD's request is denied.

IV. Conclusion

The Board rejects MPD's arguments and finds no cause to modify, set aside, or remand the Award. Accordingly, MPD's Request is denied and the matter is dismissed in its entirety.

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[20] *MPD v. FOP/MPD Labor Comm. (on behalf of Garcia)*, 63 D.C. Reg. 4573, Slip Op. No. 1561 at 7, PERB Case No. 14-A-09 (2016) (rejecting MPD's argument that an arbitrator can only consider arguments presented at the disciplinary hearing). *See also MPD v. FOP/MPD Labor Comm. (on behalf of Tania Bell)*, 63 D.C. Reg. 12581, Slip Op. No. 1591 at 7, PERB Case No. 15-A-16 (2016).

[21] *E.g., Univ. of D.C. v. AFSCME, Council 20, Local 2087*, 59 D.C. Reg. 15167, Slip Op. 1333 at 6, PERB Case No. 12-A-01 (2012); *MPD v. FOP/MPD Labor Comm.,* 59 D.C. Reg. 12709, Slip Op. 1327 at 4-5, PERB Case No. 06-A-05 (2012); *MPD and FOP/MPD Labor Comm*., 47 D.C. Reg. 7217, Slip Op. 633, PERB Case No. 00-A-04 (2000).

[22] *AFSCME District Council 20, Local 2743 v. D.C. Dep't of Consumer & Regulatory Affairs*, 38 D.C. Reg. 5076, Slip Op. No. 281 at 4 n.3, PERB Case No. 09-A-12 (1991).

[23] Request at 9.

[24] Request at 9.

[25] Request at 8-9. *City of Bos. v. Bos. Police Patrolmen's Ass'n*, 443 Mass. 813, 824 N.E. 2d 855 (2005).

[26] *See MPD v. FOP/MPD Labor Comm.,* Slip Op. No. 1738 at 5, PERB Case No. 20-A-03 (February 20, 2020).

[27] *DCHA v. Bessie Newell*, 46 D.C. Reg. 10375, Slip Op. No. 600, PERB Case No. 99-A-08 (1990).

ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.

2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

June 18, 2020

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 20-A-05, Opinion No. 1753 was sent by File and ServeXpress to the following parties on this the 2nd day of July, 2020.

Daniel J. McCartin
CONTI FENN LLC
36 South Charles Street
Suite 2501
Baltimore, MD 21201

Milena Mikailova
Office of the Attorney General
441 4th Street NW
Suite 1180 North
Washington, D.C. 20001

/s/ Merlin M. George
PERB

SOCIAL JUSTICE PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

HUMAN RESOURCES ANALYTICS SERVICES, FINANCE AND ACCOUNTING SERVICES, STUDENT DATA MANAGEMENT & ANALYTICS SERVICES

5450 3rd Street NE,
Washington, DC 20011

July 3, 2020

I. INTRODUCTION

The Social Justice Public Charter School (SJS) is soliciting proposals/quotes from qualified service providers for Human Resources Analytics Services; Finance and Accounting Services; and Student Data and Analytics Services.

II. SOCIAL JUSTICE PUBLIC CHARTER SCHOOL

SJS is a new 5-8 public charter school opening in the Lamond-Riggs/Fort Totten neighborhood of Washington, DC opening in August 2020.

During its first school year, SJS will serve 75 students – 25 5th graders and 50 6th graders. Each year SJS will increase its capacity by 75 seats and will ultimately serve 300 students in grades 5-8 at capacity.

III. SCOPE & REQUIREMENTS

Scope of Work:

SJS: SJS is requesting the following for Human Resources Analytics Services; Finance and Accounting Services; and Student Data Management and Analytics Services:

- Human Resources Analytics Services
  - Monthly & Quarterly Reporting
  - Annual Reporting & Analytics
  - Annual Support
  - Annual Reviews

- Benefits Administration

- Finance and Accounting Services
  - Budgeting
  - Accounting and Monthly Close
  - Financial Statements, Analysis, and Board Support
  - Audit and 990 Support
  - Payroll Support
  - Accounts Payable
  - Federal Grants Administration
  - Facilities Consulting and Financing Support
- Student Data Management and Analytics Services
  - Student Information System Audit & Maintenance
  - Process Consulting
  - Enrollment Data
  - Attendance & Discipline Compliance
  - Customized Individual Student Reporting
  - Internal Reporting
  - Miscellaneous Local, State, and Federal Reporting
  - Additional DC Based Student Data Analytics Support

Responses should be based on requirements for Human Resources Analytics Services; Finance and Accounting Services; and Student Data Management and Analytics Services shall include the following:

- Proposal should outline all costs for services from August 1, 2020 to June 30, 2021
- Experience working with other schools and non-profits in the areas of for Human Resources Analytics Services; Finance and Accounting Services; and Student Data and Analytics Services.

IV. PROJECT TIMELINE

July 24: Proposals/Quotes due

July 31: Contract Awarded

August 1: Service Begins

IV. INSTRUCTIONS TO BIDDERS

1. Bid Submission: **Bids shall be submitted no later than July 24, 2020 at 5:00pm. Bids must be emailed** to reginald@thesocialjusticeschool.org. Proposals should be made out to:

   Reginald Galloway
   Social Justice PCS
   5450 3rd Street NE
   Washington, DC 20011

   Proposals received after this time are subject to rejection.

   For questions please contact:
   Reginald Galloway at SJS
   Email: reginald@thesocialjusticeschool.org

2. Proposal Evaluation/Award: SJS will award services to the firm which, in SJS' judgment, is in SJS' own best interest. SJS' reserves the right to reject any and/or all Proposals when such rejection is in the interest of SJS in its sole and absolute discretion.

V. SJS DC RESERVATION OF RIGHTS

Any proposal not providing the required information, or not conforming to the format specified in this RFP, may be disqualified on that basis.

SJS reserves the right, in its sole and absolute discretion (for this provision and all other provisions contained in this RFP), to accept or reject, in whole or in part, any or all proposals with or without cause.

SJS further reserves the right to waive any irregularity or informality in the RFP process or any proposal.

SJS further reserves the right to make corrections or amendments due to errors identified in proposals by **SJS** or the bidder.

SJS further reserves the right to modify and/or amend the final contract in negotiation with the contractor.

SJS further reserves the right to select one or more bidders to perform the service

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, July 28, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	Monthly Updates	Executive VP, Finance & Procurement
3.	Committee Work Plan	Executive VP, Finance & Procurement
4.	Other Business	Executive VP, Finance & Procurement
5.	Adjournment	Committee Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19771 of Lee Wells and Malcolm Haith, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy provisions of Subtitle E § 304.1, and the accessory building size restrictions of Subtitle E § 5004.2, and under Subtitle E §§ 206.2 and 5203.3 from the roof top architectural element provisions of Subtitle E § 206.1, to construct an accessory building and remove an existing porch roof on the existing principal dwelling unit in the RF-1 zone at premises 1834 Ontario Place, N.W. (Square 2583, Lot 351).

HEARING DATE: June 13, 2018
DECISION DATE: June 13, 2018

DECISION AND ORDER

Lee Wells and Malcolm Haith (collectively, the "**Applicant**") filed an application (the "**Application**") on April 18, 2018, with the Board of Zoning Adjustment (the "**Board**") requesting the following relief under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified):

- Special exception from the roof top architectural element provisions of Subtitle E § 206.1 pursuant to Subtitle E §§ 206.2 and 5203.3,
- Special exception from the accessory building size restrictions of Subtitle E § 5004.2 pursuant to Subtitle E §§ 5007 and 5201, and
- Special exception from the lot occupancy provisions of Subtitle E § 304.1 pursuant to Subtitle E § 5201,

to remove and replace an existing porch and porch roof on the existing principal dwelling unit and to construct an accessory building at Lot 351 in Square 2583, with an address of 1834 Ontario Place, N.W. (the "**Property**") in the RF-1 zone. For the reasons explained below, the Board voted to

- **DENY** the requested relief from the roof top architectural element provisions of Subtitle E § 206.1, but
- **APPROVE** the requested special exception relief from the lot occupancy requirements of Subtitle E § 304.1 and the accessory building size restrictions of Subtitle E § 5004.2.

FINDINGS OF FACT

I. BACKGROUND

NOTICE

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning ("**OZ**") sent notice of the Application and the June 13, 2018 hearing by an April 27, 2018 letter to

- the Applicant;
- Advisory Neighborhood Commission ("**ANC**") 1C, the ANC within which boundaries the Property is located and so the "affected" ANC per Subtitle Z § 101.8;
- the Single Member District ("**SMD**") Commissioner for ANC 1C04 and the Office of ANCs;
- the Office of Planning ("**OP**");
- the District Department of Transportation ("**DDOT**");
- the Councilmember for Ward 1;
- the Chairman of the Council;
- the At-Large Councilmembers; and
- the owners of all property within 200 feet of the Property. (Exhibit ("**Ex**.") 17-29.)

2. OZ published notice of the June 13, 2018 hearing in the *D.C. Register* on May 4, 2018 (65 DCR 4823) as well as through the calendar on OZ's website.

PARTIES

3. In addition to the Applicant, ANC 1C was automatically a party in this proceeding pursuant to Subtitle Y § 403.5. The Board received no requests for party status.

THE PROPERTY

4. The Property is a rectangular interior lot with rear alley access.

5. The Property is currently improved with a one-family row dwelling (the "**Building**").

6. The Property has an existing lot occupancy of 50%.

7. The Property has an existing rear yard of 49.3 feet.

8. The Building has a front porch that is original to the building and extends across the front façade.

9. The Building was constructed as one in a row of four with consistent front porch designs. The two structures on either side of the Building have retained their original front porches, while the fourth dwelling at the end of the row had its original front porch removed approximately 30-40 years ago. (June 13, 2018 Public Hearing Transcript ("**June 13 Tr.**") at 226.)

10. The streetscape on the 1800 block of Ontario Place, N.W., has a consistent pattern and character, punctuated with front porches and projecting bays.

11. The Property is within the RF-1 zone district.

12. The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted. (Subtitle E § 300.1.)

II. THE APPLICATION

13. The Application proposed to renovate the Building and convert it to a flat. The renovation proposed to:
- add a two-story rear addition;
- remove the existing front porch and roof and replace it with a smaller front porch with a roof;[1] and
- construct a new accessory garage structure at the rear of the Property (the "**Garage**") in the required 20-foot rear yard.

14. The Application's proposed removal of the existing porch and replacement with a smaller porch would expose the basement dwelling unit at front façade currently covered by the existing porch.

15. The Application proposed that the Garage would:
- Be one story, including an internal storage loft, with a pitched roof rising from nine feet facing the required rear yard side to a high point of 13 feet, 8 inches facing the alley;
- Have a proposed gross floor area ("**GFA**") of 375 square feet;
- Be set back 12 feet from the centerline of the 15-foot wide alley at the rear of the Property, putting it approximately in line with the other accessory structures on the block; and
- Have no windows facing adjacent properties.

RELIEF REQUESTED

16. The Application requested three special exceptions:
- from Subtitle E § 206.1's prohibition on removing or significantly altering a roof top architectural element original to a building in order to alter the existing front porch and porch roof, pursuant to Subtitle E § 206.2 and subject to the conditions of Subtitle E § 5203.3;
- from Subtitle E § 5004.2's maximum ten-foot height and 100 square foot GFA for accessory buildings in a required rear yard in order to construct the Garage with a 13-foot, 8-inch height and a 375 square foot GFA, pursuant to Subtitle E § 5007.1 and subject to the conditions of Subtitle E § 5201; and
- from Subtitle E § 304.1's maximum 60% lot occupancy in the RF-1 zone, pursuant to Subtitle E § 5201 and subject to its conditions, to allow either:

[1] The Applicant's first building permit issued on October 17, 2017, by DCRA (Permit No. B1705868) permitted the removal of the existing porch structure. However, DCRA subsequently issued a stop work order on February 12, 2018, which denied the Applicant the ability to demolish the front porch pursuant to Subtitle E § 206.1. The Application was filed in response to the stop work order to obtain the relief necessary to continue.

- a 66% lot occupancy if the requested relief to replace the front porch is granted, or
- a 69% lot occupancy if the requested relief to replace the front porch is denied.

APPLICATION'S JUSTIFICATION FOR THE REQUESTED RELIEF

Rooftop Architectural Elements

17. The Application asserted that the existing porch roof was structurally unsound and presented a safety hazard and that the requested relief complied with Subtitle E § 5203.3's conditions as follows:
    - The proposed porch roof would be smaller than the existing one and would not block or impeded a functioning chimney or other external vent required by code (Subtitle E § 5203.3(b));
    - The proposed porch would not interfere with the operation of an existing or permitted solar energy system on an adjacent property (Subtitle E § 5203.3(c)); and
    - Subtitle E § 5203.3(d)'s prohibition of removing rooftop architectural elements, including porch roofs should not apply because it was clearly erroneous as it contradicted Subtitle E § 5203.3's authorization for relief from Subtitle E § 206 – the same prohibition as Subtitle E § 5203.3(d).

18. The Application asserted that the proposed replacement of the existing porch would comply with the general special exception criteria of Subtitle X § 902.1 because the removal of the porch would not adversely affect the visual character of the block as one of the other row homes constructed at the same time as the Building had removed its porch roof and the facades of the block had "a diversity of character and design."

Accessory Structures (Rear Yard) & Lot Occupancy

19. The Application asserted that it met the criteria of Subtitle E § 5201 as follows:
    - The Garage would not substantially impact the light and air available to the adjacent properties, as demonstrated by the Applicant's shadow study in Exhibit 45 that illustrated that the Garage would cast only minimal additional shadowing on the alley or neighboring property (Subtitle E § 5201.3(a));
    - The Garage would not unduly impact the privacy or use of the adjacent properties because the Garage was designed without windows facing into either of the adjacent properties or the alley and would comply with the minimum setback from the alley centerline (Subtitle E § 5201.3(b));
    - The Garage would not visually intrude upon the character, scale and pattern of the existing structures on the alley because most of the existing lots already include accessory structures of approximately the same size as the Garage (Subtitle E § 5201.3(c));
    - The Application provided plans, elevations and photos in support of its request (Ex. 8, 9, 14, 30A, 51B) (Subtitle E § 5201.3(d)); and
    - The Application was eligible for special exception relief because it requested lot occupancy of 66% for the Building and the Garage, below the 70% maximum permitted. (Subtitle E § 5201.3(e).)

20. The Application asserted that the Garage would comply with the general special exception criteria of Subtitle X § 902.1 as follows:
    - It would be in harmony with the purpose and intent of the Zoning Regulations and the RF-1 zone because both adjacent properties, as well as a number of others on the block, have accessory garages of approximately the same size as the Garage; and
    - It would not adversely affect the adjacent properties because the Garage would have no windows facing adjacent properties or the alley and the Applicant's shadow study indicated that the Garage would not cause significant shadow impacts to the adjacent properties.

Applicant's Submissions

21. The Applicant made a total of four submissions to the record in support of the Application:
    - The initial application, and supporting documents dated April 18, 2018 (Ex. 1-16);
    - A prehearing statement dated May 23, 2018, providing additional supplemental information and responding to issues raised by the ANC (Ex. 30-30F, the "**Prehearing Statement**");
    - A revised prehearing statement dated May 24, 2018, which corrected several minor calculation and labeling errors contained in the plans and self-certification form submitted in the Prehearing Statement (Ex. 34-34D); and
    - A post-hearing statement dated June 20, 2018, responding to the Board's request at the public hearing to provide updated plans and a plat. (Ex. 51-51B.)

22. The Prehearing Statement supplemented the Application with the following information:
    - A narrative and visual evidence supporting the Application's assertion that the removal of the existing porch would not "substantially visually intrude upon the character, pattern, and scale" of the other houses along Ontario Place (Ex. 30A);
    - An explanation of how special exception relief from the rear yard requirements of Subtitle E § 5004.2 is permitted by the Zoning Regulations (Ex. 30B);
    - Updated plans showing a reduced garage footprint and additional pervious surface at the front of the Property (Ex. 30C);
    - A revised self-certification showing a reduction in lot occupancy (Ex. 30D);
    - The resume and proposed testimony of the Applicant's proffered expert witness in architecture, Steve Fortiu (Ex. 30E); and
    - A presentation documenting OP's history of approvals for similar projects. (Ex. 30F.)

23. The Applicant responded (Ex. 30B, 34B) to the ANC's concerns about the Application's eligibility for accessory structure rear yard relief (Ex. 40-41) as follows:
    - asserting that relief from Subtitle E § 5004.2's limitations is available as a special exception because Subtitle E § 5004 is entitled "Rear Yard" and Subtitle E § 5201 authorizes special exception relief from development standards for "yards";

- supporting this position with an OP report and a memorandum from the Zoning Administrator submitted in BZA Case No. 19747,[2] that referenced relief from the accessory building size limitation of Subtitle E § 5004.2(b) as available as a special exception; and
- noting that the requested relief was self-certified and that the Applicant therefore accepted the risk that if the Application failed to request all of the necessary relief that the Zoning Administrator might determine during the permitting process that additional or alternative relief might be required.

Applicant's Public Hearing Testimony

24. At the public hearing of June 13, 2018, the Applicant testified that DCRA had initially advised the Applicant that the existing porch could be removed because the building permit application had been filed prior to the April 2017 effective date of the rooftop architectural element regulation, but that DCRA had subsequently determined it had erred because these regulations did not include a vesting period so that the Applicant's building permit was not vested and had to comply with the rooftop architectural elements regulations or seek relief from them. (June 13 Tr. at 185-186, 188.)

25. The Applicant testified that DCRA had confirmed that the existing porch was structurally unsound and therefore would need to be replaced, either with a replica of the historic porch or with the Application's smaller modified version. (June 13 Tr. at 189-190.)

26. The Applicant's architect testified that the proposed reduction in the size of the porch would not result in a major change to the architectural continuity of the Property's block because the block had a variety of architectural styles and elements and so the proposed replacement of the existing porch with a smaller porch would be "just a blip in the larger block of discontinuity." (June 13, Tr. at 202-204.)

27. The Applicant's architect testified that approximately 90% of the houses on the Property's block had an existing accessory structure on their lots and presented the Applicant's shadow study to demonstrate that the Garage would have negligible impacts to light available to the adjacent properties. (June 13 Tr. at 191-194.)

28. In response to testimony given by the ANC and opponents (Ex. 44-47, 50), the Applicant noted that Subtitle E § 206 lacked specific design standards by which the Board or other reviewing agencies could fully evaluate the requests for relief. (June 13 Tr. at 248-249.)

[2] BZA Case No. 19747 sought variance and special exception relief for an already constructed accessory garage structure which did not meet the lot occupancy, alley centerline setback, or accessory structure building area requirements of the RF-1 zone. All relief was approved by the Board. (Ex. 43 in BZA Case No. 19747.)

III. RESPONSES TO THE APPLICATION

OP REPORT AND TESTIMONY

The OP Report

29. OP submitted a May 31, 2018, report (Ex. 36, the "**OP Report**") that analyzed the Application against the special exception standards and recommended that the Board:
- deny the requested special exception from Subtitle E § 206.1's prohibition on removing a roof top architectural element; but
- approve the requested special exceptions from Subtitle E § 5004.2's limitations on accessory building's height and area and from Subtitle E § 304.1's limitations on lot occupancy.

30. The OP Report opposed the relief to allow the proposed porch replacement based on OP's determination that this relief would not comply with the special exception requirements because the "partial removal of the porch would diminish the architectural integrity of the existing dwelling and its streetscape character." The OP Report specifically noted that:
- The Building abutted row buildings that had retained their original porches and so the proposed porch replacement would have a greater visual impact to the overall aesthetic of the row than the previous removal of the porch from the end unit of the row, which did not abut the Building; and
- The smaller replacement porch would expose the basement unit on the front facade, unlike its neighboring buildings in which the original porches hid the basement units

(Ex. 36 at 4.)

31. The OP Report supported the relief requested for the Garage because OP determined that the Garage would comply with the special exception requirements because it would not intrude on the character, scale and pattern of garages along the alley, and would not result in any adverse impacts in terms of light and privacy to the neighboring properties. The OP Report specifically noted that the Garage:
- would be comparable to the other existing garages in the square in terms of height and setback from the alley center line; and
- no windows were proposed on the sides abutting adjacent properties or the alley.

32. The OP Report responded to the ANC's concern that the requested accessory building relief was not eligible for a special exception (Ex. 40-41) by stating that "[t]ypically, accessory building height relief would require variance relief, not special exception. In this type of case, the relief is related to the rear yard, and the Zoning Administrator has determined that special exception relief pursuant to E § 5007 is available." (Ex. 36 at 2.)

OP Public Hearing Testimony

33. At the public hearing, OP responded to the Applicant's architect's testimony of the varied architectural character of the Property's surrounding neighborhood (Ex. 26) by stating that, despite changes and variations in other architectural elements, OP considered

porches to be "an integral part of the residential character of the street frontage" of the Building. (June 13 Tr. at 215.)

34. OP addressed the ANC's assertion that the accessory building relief for the Garage should be a variance, not a special exception (Ex. 40-41), by testifying that:
- OP relied on DCRA's interpretation that Subtitle E § 5004.2 provided flexibility for applicants attempting to construct accessory structures on smaller lots where the accessory structure would by necessity encroach into the designated rear yard;
- DCRA and OP reviewed applications for relief from Subtitle E § 5004.2 by considering whether the portion of the accessory structure proposed to encroach into the required rear yard area complied with the maximum 10-foot height and 100 square foot GFA; and
- The Garage did comply with the 10-foot height limitation for the portion in the required rear yard. (June 13 Tr. at 218 to 221.)

DDOT REPORT

35. DDOT submitted a June 1, 2018 report (Ex. 31, the "**DDOT Report**") concluding that the Application would not result in any adverse impacts to the District transportation network and that DDOT therefore had no objection to the Application.

ANC REPORT AND TESTIMONY

The ANC Report

36. ANC 1C submitted a June 6, 2018 report (Ex. 40, the "**ANC Report**") stating that at a duly-noticed public meeting on June 6, 2018, with a quorum present, the ANC voted to oppose the Application and authorized any ANC 1C Commissioner and Alan Gambrell to represent the ANC before the Board.

37. The ANC Report asserted that the Application sought "development rights well beyond what is allowable in RF-1" and also raised numerous issues and concerns related to deficiencies of the application, the accuracy of the zoning relief requested, and the Applicant's ability to meet the special exception criteria, as detailed below.

Application Deficiencies

38. The ANC Report challenged the adequacy of the Application, including that it "fails to clearly and adequately document and describe current or proposed conditions, the proposed scope of work, all of the required zoning relief (E-5201.1(f)) and the potential adverse impact on neighboring properties (E- 5201.3)" and that the "new garage is not shown in context with the new addition and does not address the loss of light and air that would result." (Ex. 40.)

39. The ANC Report asserted that the Application incorrectly calculated the proposed lot occupancy as 66% because the lot occupancy would be 69% if the Board denied relief from the prohibition on removing the existing front porch.

Incorrect Relief Requested

40. The ANC Report asserted that relief from Subtitle E § 5004.2, regarding size and height of buildings in rear yards, must be considered as a variance, rather than as a special exception. The ANC Report noted that the OP Report had stated that height relief for an accessory structure is typically considered as a variance and had offered "only a limited explanation" as to how the Application met the lesser requirements for a special exception. (Ex. 40 at 2 and 5.)

41. The ANC Report asserted that the Application required additional relief from the minimum pervious requirement and from the minimum rear yard requirement.

Satisfaction of Special Exception Criteria

42. The ANC Report opposed the relief to allow the replacement of the porch based on the assertion that the Property's block had a consistent architectural character including front porches and projecting bays and the "exposure of the basement façade would significantly increase as a result of the removal of the original porch and roof," which would "exaggerate the verticality of the row house."

43. The ANC Report raised concerns about light and air impacts caused by the Garage because:
    - it would be higher than neighboring garages, which would cause adverse impacts on neighbors' use and enjoyment, and
    - its orientation would cause shadowing on adjacent properties and would generally cause crowded conditions on the Property that would diminish the neighbor's access to light and air.

Public Hearing Testimony

44. Commissioner Ted Guthrie and Alan Gambrell testified on behalf of the ANC at the public hearing.

45. Commissioner Guthrie testified that the removal of the porch would negatively affect the aesthetics of the block and opposed the relief for the Garage because there was a "sense in the rowhouse neighborhoods that we need to have breathing space." Commissioner Guthrie asserted that the Board should look beyond the conclusions of the Applicant's shadow studies because the Applicant was also constructing a rear addition that, in combination with the Garage, would result in impacts to the light and air available to the neighboring properties, even though the rear addition complied with matter-of-right limits. (June 13 Tr. at 226-227.)

46. Mr. Gambrell testified that the removing the porch would conflict with the intended character of the RF-1 zone and would diminish the architectural character of the block., Mr. Gambrell testified that row houses in D.C. tended to be built in small clusters of

similar architectural styles rather than perfectly uniform full blocks and the Property was part of one such cluster. (June 13 Tr. at 230-232.)

47. Mr. Gambrell asserted that the Application asked for more than the RF-1 zone allows and more than other properties in the neighborhood and that the "challenges were created by the choices that were made" by the Applicant because the Applicant had constructed the rear addition and so reduced the Property's rear yard and increased its lot occupancy, before electing to also construct the Garage. (June 13 Tr. at 229.)

PERSONS IN SUPPORT

48. The Board received three letters in support of the application from nearby residents. (Ex. 37, 38, 44.)

PERSONS IN OPPOSITION

49. The Board received three letters in opposition from neighbors, as well as a petition in opposition signed by 31 residents of Ontario Place. (Ex. 35, 42, 43, 46, 47.)

50. The Board heard testimony in opposition from Toby Olowofoyeku, Ann Peters, and Pat Bryant at the public hearing, (June 13. Tr. at 237-243), which asserted that:
- The removal of the porch would adversely affect the streetscape by removing a key architectural element and causing the Building to appear to be four stories instead of three; and
- The scale of the Applicant's addition to the Building and the Garage greatly exceeded what should be permitted in the zone.

CONCLUSIONS OF LAW

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl); *see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception:
- *will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,*
- *will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and*
- *complies with the special conditions specified in the Zoning Regulations.*

2. For the relief requested by the Application, the "specific conditions" are those of Subtitle E § 5203.3 for the relief to alter a roof top architectural element and of Subtitle E § 5201 for relief from the accessory structure size and lot occupancy requirements.

3. Relief granted 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)).

ALTERATION OF A ROOFTOP ARCHITECTURAL ELEMENT - SUBTITLE E § 206.1
Subtitle E §§ 206.2 and 5203.3 – Specific Special Exception Standards

4. To obtain the requested relief to allow the partial removal of the existing front porch of the Building, the Application must demonstrate that it meets the conditions of Subtitle E § 5203.1(b), (c), and (d) (*see* Subtitle E §§ 206.2 and 5203.3):
   (b) any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code;
   (c) any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;
   (d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size.

5. The Board concludes that the Applicant meets these specific special exception criteria because the proposed porch replacement would not block or impede the functioning of a chimney or other external vent on an adjacent property, nor interfere with the operation of an existing or permitted solar energy system on an adjacent property. The Board agrees with the Applicant that Subtitle E § 5203.1(d) should not apply because it creates a "circular argument" by imposing the same requirement as Subtitle E § 206.1, so that applying Subtitle E § 5203.1(d) would contradict Subtitle E §§ 206.2 and 5203.3's specific authorization of relief from Subtitle E § 206.1. The Board does not find the Applicant's challenge to the application of Subtitle E § 5203.1 due to the lack of specific design criteria persuasive because the Zoning Commission chose to not provide specific standards. (June 13 Tr. at 253.)

Subtitle X § 901.2 – General Special Exception Standards

6. The Board concludes that the Applicant has not met the general special exception criteria of Subtitle X § 901.2 because the Board concurs with the conclusions of the OP Report and the statements of the ANC Report that the significant reduction in the front porch roof and size would disrupt the architectural rhythm of the block. The Board concludes that the removal of the porch would not be in harmony with the character and pattern of neighboring homes because the Property is situated between two other dwellings with front porches and similar facades, which form a uniform row in the middle of the block. The Board therefore disagrees that the end unit's removal of its porch is a basis for finding that further alteration of the character and pattern of the row is appropriate.

7. The Board does not find the Applicant's characterization of the character and pattern of the block as "one of variety and discontinuity" (Ex. 30A) persuasive but instead agrees with OP and the ANC's characterization that the block has a consistent character of being punctuated by front porches and projecting bays. The Board also credits the testimony of Mr. Gambrell that rowhomes in D.C. are typically constructed in small clusters of similarly designed houses, and that the Property was part of one such cluster. (June 13 Tr. at 251-252.)

8. The Board concurs with OP and the ANC that the proposed smaller porch would expose the basement façade, which is atypical on row dwellings in the area, and so would contribute to the detrimental impact on the architectural character because the "exposure of the basement façade would significantly increase as a result of the removal of the original porch and roof," which would "exaggerate the verticality of the row house." (Ex. 40.)

ACCESSORY BUILDING SIZE AND LOT OCCUPANCY - SUBTITLE E §§ 5004.2 & 304.1
Subtitle E § 5201.3 – Specific Special Exception Standards

9. To obtain the requested relief to allow the Garage, the Application must demonstrate that it meets the conditions of Subtitle E § 5201. Relief under this section is limited to projects that:
   - *are an addition to a residential building, a new or enlarged accessory structure to a residential building, or a reduction in the minimum setback requirements of an alley lot;* (Subtitle E § 5201.2;) and
   - *do not authorize the introduction or expansion of either a nonconforming use or the introduction or expansion of nonconforming height or number of stories or a lot occupancy exceeding 70%.* (Subtitle E §§ 5201.3(e), 5201.5, and 5201.6.)

10. The Board notes that because it does not approve the Application's request for relief from Subtitle E § 206.1 to reduce the size of the porch, the Application requests relief from Subtitle E §§ 304.1 to allow a 69% lot occupancy.

11. The Board concludes that the Application is eligible for special exception relief from Subtitle E §§ 5004.2 and 304.1 because the Garage:
   - is a new accessory building;
   - would not introduce a nonconforming height because it is under the 20-foot maximum height for all other accessory structures permitted by Subtitle E § 5002, even though it exceeds the height permitted for an accessory structure in a required rear yard; and
   - would not cause the Property's lot occupancy to exceed the 70% maximum eligible as a special exception.

12. Pursuant to Subtitle E § 5201.3(d) an applicant must demonstrate that the requested relief, if granted, would not have a substantially adverse effect as follows:
   (a) the light and air available to neighboring properties shall not be unduly affected;

(b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

(c) the addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage.

by providing the Board with "*graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*"

13. The Board concludes that the Application satisfies the requirements of Subtitle E § 5201.3(d) because it provided sufficient plans, photographs, and elevations to demonstrate that it met the criteria of Subtitle E § 5201.3(a), (b), and (c), as discussed below.

Subtitle E § 5201.3(a) – Light and Air

14. The Board concludes that the Application demonstrated that the Garage would not unduly affect the light and air available to neighboring properties because:
    - The Garage would be of a similar size as other accessory structures on adjacent properties and along the alley;
    - The Applicant's shadow studies demonstrated that the Garage would not have an adverse impact on adjacent properties because the increased shadows caused by the impacts of the 13-foot Garage's three feet of additional height over a 10-foot, matter-of-right structure would be negligible; and
    - The Applicant's shadow studies and plans demonstrated that the Garage, in combination with the Property's other structures, would not impact unduly the light and air available to neighboring properties, even with the resulting lot occupancy of 69%. (Ex. 45.)

Subtitle E § 5201.3(b) – Privacy of Use and Enjoyment

15. The Board concludes that the Garage would not unduly compromise the privacy of use and enjoyment of neighboring properties because:
    - The Garage would not have any windows facing adjacent properties and would therefore not cause any impacts on privacy;
    - The Garage's use as accessory to the principal dwelling unit in the Building would be consistent with other garages fronting on the alley and would therefore not impact the use or enjoyment of neighboring properties; and
    - The Garage's height is not significantly different than other accessory structures along the alley and therefore would not have a detrimental impact on adjacent properties.

Subtitle E § 5201.3(c) – Visual Intrusion

16. The Board concludes that the Garage, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage and from the rear alley because:
    - The Garage would not be visible from street frontage on Ontario Place N.W.; and

- While the Garage will be visible from the public alley at the rear of the Property, it is sufficiently similar to other existing structures that it would not cause an impact on the character or pattern of these alley garages.

Subtitle X § 901.2 – General Special Exception Standards

17. Pursuant to Subtitle X § 901.2(a), the Board concludes that the requested special exceptions from the accessory building and lot occupancy requirements meet the general special exception standards in Subtitle X § 901.2 because:
    - Granting these special exceptions would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps as required by Subtitle X § 901.2(a) because the Zoning Regulations for the RF-1 zone provide that accessory structures may be constructed in this zone, and the proposed structure is compatible with other accessory structures along the alley; and
    - The Garage would not adversely affect the use of neighboring properties, as required by Subtitle X § 901.2(b) because it would not have an adverse impact on light and air available to adjacent properties, the privacy of use, the enjoyment of adjacent properties, or the visual character of the street frontage or public alley, as discussed above in the analysis of the special exception criteria of Subtitle E § 5201.3.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

18. The Board 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 Y § 405.8. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).

19. The Board credits the analysis of the OP Report and finds its recommendation that the Application should be approved-in-part and denied-in-part persuasive and concurs in that judgement. (Ex. 36.)

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

20. The Board must give "great weight" to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Y § 406.2. To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).

21. The Board found the ANC Report's concerns about the removal of the front porch persuasive and concurred with that judgment in its denial of the Application's request for relief from Subtitle E § 206.1.

22. The Board was not persuaded by the ANC Report's concerns regarding the impact of the requested relief from the accessory building and lot occupancy requirements as detailed above in the analysis of compliance with the special exception requirements.

23. The ANC Report raised other issues and concerns that were not addressed in the Board's discussion of the special exception criteria, which the Board will address in turn.

Application Deficiencies

24. The Board finds that the Application included sufficient materials to allow the Board to fully evaluate the impacts of the areas of zoning relief requested, specifically:
- a detailed statement addressing the criteria for special exception relief;
- an explanation of the scope of work proposed, including the elements that do not require zoning relief; (Ex. 5, 8, 14) and
- the architectural plans and color photographs showing the Property, as updated with plans showing that the lot occupancy would be 69% if the Board denied the requested relief to remove the front porch. (Ex. 34C.)

Incorrect Relief Requested

25. The Board is not persuaded by the ANC Report's concern that the Application did not include all necessary relief required to construct the Garage because:
- The Board concludes that the Application included adequate justification, including a memorandum from the Zoning Administrator's office, that the relief requested is sufficient (Ex. 34B);
- The Board credits the OP Report's support of the Applicant's decision to request relief from these requirements as a special exception; and
- The self-certification process pursuant to Subtitle Y § 300.6(b) carries the risk that the relief requested is not correct or complete and therefore the potential for this additional relief does not have bearing on the Board's analysis of the Application's requested relief.

Precedential Value of Decision

26. The Board is not persuaded by the ANC Report's concern that approval of the relief requested in this case will create "bad precedent for the neighborhood and its ability to enforce the RF-1 provisions," because the Board:
- considers each application before it on the basis of its individual circumstances so that prior decisions of the Board do not create precedent that the Board is required to follow; and
- will undertake a detailed review of future requests for relief in the RF-1 zone to determine whether the standards established under the Zoning Regulations are met.

DECISION

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant did not satisfy the burden of proof with respect to the request for special exception relief under Subtitle E §§ 206.2 and 5203.3 from the roof top architectural element provisions of Subtitle E § 206.1 and therefore **DENIES** the Application's request for that relief.

VOTE (June 13, 2018) 5-0-0 (Peter G. May, Carlton E. Hart, Frederick L. Hill, Lesylleé M. White, and Lorna L. John to **DENY**).

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under Subtitle E § 5201 from the accessory building size restrictions of Subtitle E § 5004.2 and the lot occupancy provisions of Subtitle E § 304.1 and therefore **APPROVES** the Application's request for that relief for Lot 351 in Square 2583, subject to the following **CONDITION**:

1. The Addition shall be constructed in accordance with the plans submitted as Exhibit 51B in the record,[3] as required by Subtitle Y §§ 604.9 and 604.10.

VOTE (June 13, 2018) 3-2-0 (Frederick L. Hill, Lesylleé M. White, and Lorna L. John to **APPROVE**; Carlton E. Hart and Peter G. May opposed to the motion).

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: July 6, 2020

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

PURSUANT TO SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE

[3] Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibits 15 and 34D.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any such application that would require additional or different zoning relief from that is granted by this Order.

WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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. 19984 of Rupsha 2011 LLC, as amended[1], pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the new residential development provisions of Subtitle U § 421.1, and under the inclusionary zoning requirements of Subtitle C § 1001.2(b)(3) to construct an eight-unit apartment house in the RA-1 Zone at premises 2908 N Street, S.E. (Square 5507, Lot 2).

HEARING DATES: May 1, 2019 and June 24, 2020[2]
DECISION DATE: July 1, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 69 (Final Revised); Exhibits 40 and 61 (Prior Revised); Exhibit 4 (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") 7B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 18, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 97.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 73.)

[1] The application sought relief under Subtitle C § 1001.2(e)(3); however, this subsection was changed to Subtitle C § 1001.2**(b)**(3) by text amendment in ZC Order No. 04-33I and is noted in the caption above.

[2] This application was originally scheduled for public hearing on May 1, 2019 but was postponed at the Applicant's request to June 5, 2019; July 1, 2019; October 2, 2019; December 11, 2019; and March 25, 2020. The March 25, 2020 hearing was rescheduled for a virtual public hearing on June 24, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 56.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the new residential development provisions of Subtitle U § 421.1, and under the inclusionary zoning requirements of Subtitle C § 1001.2(b)(3) to construct an eight-unit apartment house in the RA-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**[3] at **EXHIBIT 96 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS and EXHIBIT 83 –LANDSCAPE PLAN.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, 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: July 7, 2020

[3] 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 20209 of Uzoma Ogbuokiri, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, from the side yard requirements of Subtitle D § 206.7, and under Subtitle U § 253.10 from the accessory apartment requirements of Subtitle U § 253.7(c), to construct a 3-story rear addition to an existing semi-detached principal dwelling unit in the R-2 Zone at premises 7521 9th Street, N.W. (Square 2961, Lot 18).

HEARING DATES: March 11 and June 17, 2020[1]
DECISION DATE: June 24, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 42 (Revised); Exhibit 4 (Original)[2].)

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") 4B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 27, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 38.) ANC 4B Commissioner Evan Yeats testified on behalf of the ANC at the public hearing in support of the application.

OP Report. The Office of Planning ("OP") submitted a report recommending approval of the amended application. (Exhibit 55.) OP submitted an initial report indicating that it could not yet make a recommendation on the application, as more information was required. (Exhibit 37.)

[1] This application was originally scheduled for public hearing on March 11, 2020 but was postponed to April 1, 2020 at the request of the ANC. The April 1, 2020 hearing was rescheduled for a virtual public hearing on June 17, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

[2] The application was amended to add special exception relief from side yard requirements of Subtitle D § 206.7 and a request for waiver from Subtitle U § 253.7(c).

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 29.)

Persons in Opposition. The Board received eight letters in opposition to the application and a petition in opposition signed by 34 individuals. (Exhibits 33, 46-48, 51-54, and 58.) Two neighbors, Andre Carley and Sara Green, testified in opposition at the public hearing.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, from the side yard requirements of Subtitle D § 206.7, and under Subtitle U § 253.10 from the accessory apartment requirements of Subtitle U § 253.7(c), to construct a 3-story rear addition to an existing semi-detached principal dwelling unit in the R-2 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**[3] at **EXHIBIT 43.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller 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.

[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.

FINAL DATE OF ORDER: July 7, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 20225 of Rula Malky, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1 and from the rear yard requirements of Subtitle F § 305.1, to construct a rear deck addition to an existing attached principal dwelling unit in the RA-1 Zone at premises 3235 Fort Lincoln Drive N.E. (Square 4325, Lot 1025).

HEARING DATE: June 24, 2020[1]
DECISION DATE: July 1, 2020

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 30 (Revised); Exhibit 9 (Original).)[2]

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") 5C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 19, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 36.) ANC 5C Commissioner Jeremiah Montague testified in support of the application at the public hearing.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 32.)

[1] This application was originally scheduled for public hearing on March 25, 2020 but was rescheduled for a virtual public hearing on June 24, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

[2] The original application was amended to change the lot occupancy relief from a request for variance to a request for special exception.

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 27.)

Person in Opposition. One neighbor submitted a letter in opposition to the application. (Exhibit 34.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1 and from the rear yard requirements of Subtitle F § 305.1, to construct a rear deck addition to an existing attached principal dwelling unit in the RA-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS** at **EXHIBIT 6.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, 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: July 8, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED

STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 20233 of Erin Carroll, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 to construct a one-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 4810 48th Street N.W. (Square 1491, Lot 41).

HEARING DATE: June 17, 2020[1]
DECISION DATE: June 24, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 21, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 37.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 29.)

[1] This application was originally scheduled for public hearing on March 25, 2020 but was rescheduled for a virtual public hearing on June 17, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 to construct a one-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**[2] at **EXHIBIT 41.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller 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: July 7, 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

[2] 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.

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. 20235 of Bryant Phase 1-E, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 909.4 from the loading requirements of Subtitle C § 908.1 and 908.3, to construct a seven-story mixed use building in the MU-7 Zone at premises 600 Rhode Island Avenue, N.E. (Square 3629, Lot 819).

HEARING DATE: June 24, 2020[1]
DECISION DATE: July 1, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 14 (Corrected); Exhibit 4 (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") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 19, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 39.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 30.)

[1] This application was originally scheduled for public hearing on March 25, 2020 but was rescheduled for a virtual public hearing on June 24, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 909.4 from the loading requirements of Subtitle C § 908.1 and 908.3, to construct a seven-story mixed use building in the MU-7 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**[2] at **EXHIBITS 33A1-33A3.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, 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: July 6, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

[2] 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.

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. 20236 of Bryant Phase 1-B, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 909.4 from the loading requirements of Subtitle C § 908.1 and 908.3, to construct a two-story movie theater building in the MU-7 Zone at premises 620-640 Rhode Island Avenue, N.E. (Square 3629, Lot 816).

HEARING DATE: June 24, 2020[1]
DECISION DATE: July 1, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 14.)

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") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 19, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 35.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 27.)

[1] This application was originally scheduled for public hearing on March 25, 2020 but was rescheduled for a virtual public hearing on June 24, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 909.4 from the loading requirements of Subtitle C § 908.1 and 908.3, to construct a two-story movie theater building in the MU-7 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**[2] at **EXHIBITS 29A1-29A2.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, 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: July 6, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

[2] 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.

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. 20237 of Timothy Holtz, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a one-story rear addition and a deck to an existing attached principal dwelling unit in the RF-1 Zone at premises 2002 C Street N.E. (Square 4558, Lot 31).

HEARING DATE: June 24, 2020[1]
DECISION DATE: July 1, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 50 (Final Revised); Exhibit 36 (Revised); Exhibit 5 (Original).)[2]

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") 7D.

ANC Report. The ANC SMD 7D01 Commissioner submitted a letter indicating support. (Exhibit 55.) The letter was not an official report indicating a properly noticed public meeting and therefore could not be afforded "great weight" under Subtitle Y § 406.2. The Board nonetheless considered the ANC's support of the application.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 33.)

[1] This application was originally scheduled for public hearing on April 1, 2020 but was rescheduled for a virtual public hearing on June 24, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

[2] The original application was amended to correct lot occupancy relief from variance to special exception.

Persons in Support. The Board received four letters in support of the application. (Exhibits 29, 31, 32, 34.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to construct a one-story rear addition and a deck to an existing attached principal dwelling unit 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**[3] at **EXHIBIT 8.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, 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: July 2, 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

[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.

SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, JULY 22, 2020
Virtual Meeting via WebEx

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to decide items on the agenda out of turn.

TIME: 9:30 A.M.

I. CONSENT CALENDAR

A. Request for Time Extension

Application No. 18701-D of 1247 ESE, LLC
Pursuant to 11 DCMR Subtitle Y, § 705.1, for a two year time extension of BZA Order No. 18701-A approving a variance from the use provisions to operate a restaurant in the first floor space within an existing apartment house under § 330.5 in the R-4 (now RF-1) District at premises 1247 E Street, S.E. (Square 1019, Lot 43). (ANC 6B)

II. DECISION

Application No. 20054 of Rupsha 2011 LLC
As amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provision of Subtitle U § 421.1 to construct a eight-unit apartment house in the RA-1 Zone at premises 616 50th Street, N.E. (Square 5180, Lot 814). (ANC 7C)

PLEASE NOTE:

This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Information for the public to view or listen to the public meeting will be provided on the Office of Zoning website and in the case record for each application or appeal as soon as possible in advance of the meeting date.

Do you need assistance to participate?

Amharic
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese
您需要有人帮助参加活动吗？

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French
Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean
참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish
¿Necesita ayuda para participar?
Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, MEMBER
VACANT, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION CORRECTED[1] ORDER NO. 14-12C(1)
Z.C. Case No. 14-12C
EAJ 1309 5th Street LLC
(Modification of Consequence of Consolidated PUD & Related Map Amendment @ Square 3591, Lots 801, 802, 7004, 7005, 7011, 7013, 7034, 7036-38))
April 29, 2019

Pursuant to notice, on April 29, 2019 the Zoning Commission for the District of Columbia (the "Commission") held a public meeting during which, the Commission approved the application of EAJ 1309 5th Street, LLC (the "Applicant") for a Modification of Consequence (the "Application") of a planned unit development (a "PUD") approved by Z.C. Order No. 14-12 (the "Original Order"), as extended by Z.C. Order 14-12A, for Lots 801, 802, 7004, 7005, 7011, 7013, 7034, and 7036-7038 in Square 3591, between 5th Street, N.E. to the west and 6th Street, N.E to the east (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (the "Zoning Regulations," to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. Pursuant to the Original Order, the Commission granted the Applicant both consolidated and first stage approval for Lot 800[2] in Square 3591 (the "PUD Site"), together with a map amendment from the CM-1 Zone District to the C-3-C Zone District (the "Approved PUD").

2. The Property is part of the PUD Site for which the Commission granted consolidated approval under the Approved PUD. The Property includes the existing two-story Union Market building, referred to in the Original Order as the "South Building" (the "South Building").

3. The Approved PUD authorized the renovation of the South Building with five additional stories up to a height of 120 feet with approximately 216,400 square feet, including 62,400 square feet of retail uses, a 42,000 square foot movie theater, and 112,000 square feet of office or residential uses.

4. The Approved PUD also authorized a 12,500-square-foot Union Market Plaza for community outdoor social and cultural uses and events, including concerts and festivals, with this space and events included as public benefits of the Approved PUD. (Conditions B.4 and B.11 of the Original Order.)

[1] This is a corrected version of Z.C. Order No. 14-12C published in the August 30, 2019, edition of the *D.C. Register* to reflect updated A&T lots and to clarify the nature of the Interim Improvements as proposed in the Application and as had been reviewed and approved by the Commission.

[2] Subsequently subdivided into Record Lot 5 (Z.C. Order No. 14-12A).

5. The Commission granted a two-year time extension of the Original Order in Z.C. Order No. 14-12A.

6. The Applicant and affiliates filed an application for second-stage approval of a different portion of the PUD Site in Z.C. Case No. 14-12B but withdrew the application prior to Commission approval.

Parties

7. The only party to the Z.C Case No. 14-12 other than the Applicant was Advisory Neighborhood Commission ("ANC") 5D, the "affected" ANC pursuant to Subtitle Z § 101.8.

The Application

8. On April 10, 2019, the Applicant filed the Application requesting a Modification of Consequence to authorize modifications to the plans approved by the Approved PUD to allow the installation of the following to the currently empty roof of the South Building:

   (a) temporary park, recreation, entertainment, and food/beverage-related improvements (including landscaping and hardscaping, seating, restrooms, enclosed restaurant space, open stage and/or performance areas, and the like (the "Park Improvements"); and

   (b) life-safety and accessibility improvements to allow safe public access to and occupation of the Park Improvements (e.g., stair wells, railing, elevator, etc., on the top level of the Union Market building (the "Life Safety Improvements," and collectively with the Park Improvements, the "Interim Improvements"), on an interim basis prior to starting the construction of the South Building authorized by the Approved PUD.

9. The Application noted that the Interim Improvements would comply with Conditions B.4 and B.11 of the Original Order by providing outdoor community space and events.

10. The Applicant served the Application on April 10, 2019 to ANC 5D, 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.)

11. OP submitted a report dated April 19, 2019 stating no objection to the Application being considered as a Modification of Consequence and recommending approval of the Application, provided the Applicant provided a dimensioned roof plan showing the proposed setbacks for all structures (the "OP Report"). (Ex. 4.) The OP Report also proposed language to modify Condition A.1 of the Original Order to authorize the relief requested by the Application.

12. The Applicant submitted a dimensioned plan of the roof in response to the OP Report. (Ex. 5, 5A.)

13. The Applicant submitted a resolution in support of the Application by ANC 5D, adopted at its duly noticed public meeting held on February 9, 2019, with a quorum of six of seven Commissioners present (the "ANC Report"). (Ex. 1D.)

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 5D.

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).

6. The Commission concludes that because ANC 5D, the only party other than the Applicant to the Approved PUD, had filed a response to the Application, 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, and therefore the Commission could consider the merits of the Application at its April 29, 2019 public meeting.

7. The Commission finds that the modification proposed by the Application is consistent with the Approved PUD because the Interim Improvements provide some of the public benefits and uses authorized by the Approved PUD prior to the construction of the South Building.

"Great Weight" to the Recommendations of OP

8. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give "great weight" to the recommendations contained in the OP Report.

9. 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

10. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z § 406.2 require the Commission to give "great weight" to the issues and concerns contained in the written report of an affected ANC. 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).)

11. The Commission found the ANC Report's support for the Application persuasive and concurred in that judgment.

DECISION

At its public meeting on April 29, 2019, in consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concluded that the Applicant satisfied its burden of proof and therefore **APPROVES** the Applicant's request for a Modification of Consequence to Z.C. Order No. 14-12, as extended by Z.C. Order No. 14-12A, the conditions of which all remain unchanged and in effect except Condition No. A.1, which is hereby revised to read as follows (deletions shown in **bold** and ~~**strikethough**~~ text; additions in **bold** and **underlined** text):

A. PROJECT DEVELOPMENT

1. The PUD shall be developed in accordance with the architectural drawings prepared by Shalom Baranes Architects, Bohler Engineering, and Mahan Rykiel, submitted into the record on July 10, 2014 as Exhibit 2A1-2A6, as modified by the architectural drawings and pages submitted on August 29, 2014 as Exhibit 13-13H in the record, as modified by the architectural drawings and pages submitted on December 16, 2014 as Exhibit 19-19H in the record, as modified by the architectural drawings and pages submitted on February 2, 2015, as Exhibit 35A-35A7B in the record, as modified by the architectural drawings and pages submitted on February 11, 2015, as Exhibit 44A1-44A7 in the record, and as modified by the architectural drawings and pages submitted on March 2, 2015 as Exhibit 51-51B in the record, and as modified by the guidelines, conditions, and standards herein (collectively, the "Plans"). **Prior to the construction of the South Building, the Applicant shall have the right to develop The Market with the Interim Improvements shown in drawings submitted into the record in Z.C. Case No. 14-12C as Exhibits 1F and 5A, dated March 30, 2019 and April 18, 2019, respectively.**

VOTE (Apr. 29, 2019): 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Corrected Order became final and effective upon publication or the original version of Z.C. Order No. 14-12C in the *D.C. Register* on August 30, 2019.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING