

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-358 to require the Office of the Chief Medical Examiner to investigate all maternal mortalities occurring in the District
- D.C. Council passes Resolution 23-501, Fiscal Year 2021 Budget Support Emergency Declaration Resolution of 2020
- D.C. Council schedules a public hearing on several bills related to rent ceilings, increases, and stabilization affordability
- D.C. Council schedules a public hearing on Bill 23-0568 to increase the amounts of down payment assistance for Home Purchase Assistance
- Department of Health announces funding availability for the Harm Reduction Program
- Department of Health establishes guidelines for Medicaid-Reimbursable Telemedicine Services
- Department of Human Services announces the availability of the CSBG CARES Act Supplemental State Plan and Application for Fiscal Year (FY) 2021 for public review and comment
- Department of Insurance, Securities and Banking schedules a public hearing on the 2021 proposed health insurance rates for benefits plans sold in the District
- Office of the Deputy Mayor for Planning and Economic Development announces funding for the FY21 Great Streets Small Business Retail Administration Grant

DISTRICT OF COLUMBIA REGISTER

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A23-350 New Hospital at St. Elizabeths Amendment
Act of 2020 (B23-777)009635 - 009637

A23-351 Fiscal Year 2020 Revised Local Budget Adjustment
Emergency Act of 2020 (B23-763)009638 - 009647

A23-352 Modifications to Contract No. CW59303 with
MVS, Inc. Approval and Payment Authorization
Emergency Act of 2020 (B23-782)009648 - 009649

A23-353 Modification Nos. 8 and 9 to Contract No.
DCAM-17-CS-0131 with MCN Build, Inc.
Approval and Payment Authorization Emergency
Act of 2020 (B23-783)009650 - 009651

A23-354 Contract No. DCAM-20-CS-RFP-0006 with Chiaramonte
Construction Company Approval and Payment Authorization
Emergency Act of 2020 (B23-789)009652 - 009653

A23-355 Change Order Nos. 3 and 4 to Contract No.
DCAM-17-AE-0125 with Perkins Eastman DC, PLLC
Approval and Payment Authorization Emergency
Act of 2020 (B23-790)009654 - 009655

A23-356 Contract No. DCAM-20-CS-RFP-0005 with
GCS-SIGAL/GRUNLEY Joint Venture Approval and
Payment Authorization Emergency Act of 2020 (B23-791)009656 - 009657

A23-357 Criminal Justice Coordinating Council Information
Sharing Emergency Amendment Act of 2020 (B23-810)009658 - 009662

A23-358 Investigating Maternal Mortalities Emergency
Amendment Act of 2020 (B23-812)009663 - 009665

A23-359 Concealed Pistol Licensing Review Board Membership
Emergency Amendment Act of 2020 (B23-814)009666 - 009667

A23-360 New Hospital at St. Elizabeths Emergency Amendment
Act of 2020 (B23-847)009668 - 009670

A23-361 Contract No. DCAM-20-NC-RFP-0001D with RBK
Construction, Inc. Approval and Payment Authorization
Emergency Act of 2020 (B23-792)009671 - 009672

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A23-362 Modification Nos. 3 and 4 to Contract No. DCAM-17-CS-0033I with WKM Solutions, LLC Approval and Payment Authorization Emergency Act of 2020 (B23-793)009673 - 009674

A23-363 Contract No. DCAM-19-CS-RFP-0062 with Smoot Construction Company of Washington, DC Approval and Payment Authorization Emergency Act of 2020 (B23-794)009675 - 009676

A23-364 Modification Nos. 02, 03, and 04 to Contract No. DCAM-19-CS-RFQ-0001C with RSC Electrical & Mechanical Contractors, Inc. Approval and Payment Authorization Emergency Act of 2020 (B23-796).....009677 - 009678

A23-365 Modification Nos. 02 and 03 to Contract No. DCAM-19-CS-RFQ-0001S with Thiha, Inc. Approval and Payment Authorization Emergency Act of 2020 (B23-797)009679 - 009680

A23-366 Modification Nos. 04, 05, 06 and 07 to Contract No. DCAM-18-CS-0117 with Stevens School Developer, LLC Approval and Payment Authorization Emergency Act of 2020 (B23-799)009681 - 009682

A23-367 Contract No. DCAM-19-CS-AE-0056 with Bell Architects, PC Approval and Payment Authorization Emergency Act of 2020 (B23-800)009683 - 009684

A23-368 Contract No. DCAM-19-CS-RFP-0007 with Chiamonte Construction Company Approval and Payment Authorization Emergency Act of 2020 (B23-801)009685 - 009686

A23-369 Contract No. DCAM-19-CS-IFB-0010 with Dissen & Juhn, LLC Approval and Payment Authorization Emergency Act of 2020 (B23-803)009687 - 009688

A23-370 Reunion Square Tax Increment Financing Second Emergency Act of 2020 (B23-829)009689 - 009698

RESOLUTIONS

Res 23-493 Coronavirus Support Second Congressional Review Emergency Declaration Resolution of 2020 009699

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

RESOLUTIONS CONT'D

Res 23-500 Low Income Housing Tax Credit TOPA Exemption
for Transfers of Interest Emergency Declaration
Resolution of 2020009700 - 009702

Res 23-501 Fiscal Year 2021 Budget Support Emergency
Declaration Resolution of 2020..... 009703

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B23-0874 through B23-0883009704 - 009705

COUNCIL HEARINGS

Notice of Public Hearings -

B23-0237 Rent Concession Amendment Act of 2019.....009706 - 009707

B23-0530 Rent Stabilization Affordability Qualification
Amendment Act of 2020009706 - 009707

B23-0877 Substantial Rehabilitation Petition Reform
Amendment Act of 2020009706 - 009707

B23-0879 Capital Improvement Petition Reform Amendment
Act of 2020009706 - 009707

B23-0878 Voluntary Agreement Moratorium Agreement
Act of 2020009706 - 009707

B23-0623 Condominium Warranty Claims Clarification
Amendment Act of 2020009708 - 009709

B23-0601 Condominium Warranty Amendment Act of 2020009708 - 009709

B23-0568 Home Purchase Assistance Amendment
Act of 2019009708 - 009709

B23-0696 Limited Equity Cooperative Advisory Council
Act of 2020009708 - 009709

PR 23-892 Sense of the Council Woodrow High School
Renaming Protocol Resolution of 2020..... 009710

OTHER COUNCIL ACTIONS

Notice of Excepted Service Appointments -
As of July 31, 2020 009711

Notice of Grant Budget Modification -
GBM 23-100 FY 2020 Grant Budget Modifications
as of July 15, 2020..... 009712

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Foxtrot - ANC 2C - New B 009713

Foxtrot - ANC 2C - New CR 009714

Menya Hosaki - ANC 4C - New 009715

SOMTAM - ANC 5D - Change of Hours - READVERTISEMENT 009716

SOMTAM - ANC 5D - Change of Hours - RESCIND 009717

TBD (GothWine Limited Liability Company) -
ANC 2E - New - READVERTISEMENT 009718

TBD (GothWine Limited Liability Company) -
ANC 2E - New - RESCIND 009719

TBD (Sangria Bar and Grill, LLC) - ANC 1A - New 009720

Wegmans - ANC 3C - New 009721

Wonder Mart - ANC 8C - New 009722

Insurance, Securities and Banking, Department of -

Notice of Public Hearing - 2021 Health Insurance Rates 009723

Zoning Commission - Cases -

20-15 Office of Planning - Text Amendment to Subtitle C
for Green Area Ratio Requirements for Certified
Landscape Expert Requirements 009724 - 009726

20-16 Office of Planning– Zoning Map Amendment from
ARTS-2 to ARTS 4 @ Square 442, Lot 106 009727 - 009730

20-18 1319 South Capitol Owner, LLC 009731 - 009733

FINAL RULEMAKING

Health Care Finance, Department of -

Amend 29 DCMR (Public Welfare),
Ch. 9 (Medicaid Program),
Sec. 910 (Medicaid-Reimbursable Telemedicine Services),
to finalize changes to the standards governing Medicaid
reimbursement of health services provided via telemedicine
by allowing services to be provided through telemedicine in a
beneficiary’s home, establishing the requirements for technology
to home-related telemedicine services, and making changes
necessary to ensure that this service modality is available to
Medicaid managed care beneficiaries 009734 - 009739

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Motor Vehicles, Department of -
 Amend 18 DCMR (Vehicles and Traffic),
 Ch. 1 (Issuance of Learner Permits, Provisional Permits, or Driver Licenses),
 Sec. 103 (Application for a Driver License, Learner Permit, or Provisional Permit), and
 Sec. 114 (Limited Purpose Driver License, Learner Permit, Provisional Permit, or Identification Card),
 to allow a residency document received pursuant to the Address Confidentiality Program to be submitted in lieu of other documents in order to obtain a driver license, provisional permit, learner permit or identification card.....009740 - 009741

Public Service Commission, DC - RM9-2020-03 -
 Amend 15 DCMR (Public Utilities and Cable Television),
 Ch. 9 (Net Energy Metering),
 Sec. 901 (Eligible Customer-Generators),
 Sec. 902 (Net Energy Billing and Crediting for Customers of Competitive Energy Suppliers), and
 Sec. 903 (Net Energy Billing and Crediting for SOS Customers),
 to incrementally increase the allowable generation threshold for net metering facilities and determine how credits related to excess generation should be accounted for individual behind-the-meter generators009742 - 009745

PROPOSED RULEMAKING

Health, Department of (DC Health) -
 Amend 17 DCMR (Business, Occupations, and Professionals),
 Ch. 47 (Acupuncture),
 Sec. 4702 (Educational Requirements), to allow physicians who have completed three hundred (300) hours of training in acupuncture from programs approved by the American Board of Medical Acupuncture (ABMA) to be licensed as acupuncturists 009746

Health, Department of (DC Health) -
 Amend 22 DCMR (Health),
 Subtitle B (Public Health and Medicine),
 Ch. 12 (Controlled Substances Act Rules),
 Sec. 1205 (Schedule V Enumerated), to update the list of Schedule V drugs by removing Epidiolex to be consistent with the federal Drug Enforcement Agency’s position that Epidiolex is a cannabis derivative and is no longer controlled by the Controlled Substances Act..... 009747

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Library, DC Public -
 Amend 19 DCMR (Amusements, Parks, and Recreation),
 Ch. 8 (Public Library),
 Sec. 810 (Behavior Rules Governing the Use of the
 District of Columbia Public Library),
 to provide guidelines that act as rules of conduct for library
 customers, in order to deter and /or minimize the effect of
 unacceptable behavior, by defining such behavior so that
 individuals may conduct themselves in a manner consistent
 with the purpose and functions of the District of Columbia
 Public Library 009748 - 009755

Motor Vehicles, Department of -
 Amend 18 (Vehicles and Traffic),
 Ch. 30 (Adjudication and Enforcement),
 Sec. 3003 (Issuance of Moving and Non-Moving Violations),
 to authorize the Department of For-Hire Vehicles to issue
 Notices of Infraction for moving violations..... 009756

Public Service Commission, DC - RM3-2018-01 -
 Amend 15 DCMR (Public Utilities and Cable Television),
 Ch. 3 (Consumer Rights and Responsibilities),
 Sec. 301 (Location of Energy Service Meters and Related Equipment),
 to require a fifteen (15) days' notice requirement for the
 replacement of electric meters, including electric meter
 replacements that result in a momentary interruption of
 electrical service, with the exception of interruptions of
 electric service of five (5) minutes or less 009757 - 009758

EMERGENCY AND PROPOSED RULEMAKING

Health Care Finance, Department of -
 Amend 29 (Public Welfare),
 Ch. 55 (Enrollment and Disenrollment Requirements and
 Procedures for AFDC and AFDC-Related Medicaid
 Recipients Participating in the Medicaid Managed
 Care Program), is deleted and replaced with
 Ch. 55 (Enrollment and Disenrollment Requirements and
 Procedures for Medicaid Beneficiaries in the
 Medicaid Managed Care Program),
 Sections 5500 - 5502 and Sec. 5599 (Definitions),
 Ch. 57 (Enrollment and Disenrollment Requirements and
 Procedures for Beneficiaries Eligible for the Medicaid
 Managed Care Program for Disabled Children and
 Youths) is repealed in its entirety,
 to amend Medicaid managed care enrollment and disenrollment
 requirements and procedures 009759 - 009771

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS
BOARDS, COMMISSIONS, AND AGENCIES**

Education, Office of the State Superintendent of -
 District of Columbia Public Charter School
 Credit Enhancement Committee Meeting - August 20, 2020 009772

Energy and Environment, Department of -
 Meeting of the Building Energy
 Performance Standard Task Force - August 4, 2020..... 009773

Meeting of the Building Energy
 Performance Standard Task Force - August 18, 2020..... 009774

Notice of Filing of a Voluntary Cleanup Action Plan -
 1700 M Street, NW - No. VCP2018-059 009775

Health Care Finance, Department of -
 Department of Health Care Finance Pharmacy and
 Therapeutics Committee Meeting - September 10, 2020..... 009776

Health, Department of (DC Health) -
 HIV/AIDS, Hepatitis, STD, and TB Administration
 (HAHSTA) - Notice of Funding Availability (NOFA) -
 RFA# HAHSTA_HRP 07.24.20 - Harm Reduction
 Program (Amended).....009777 - 009778

Notice of Board of Dentistry Meetings 009779

Homeland Security and Emergency Management Agency -
 Homeland Security Commission -
 Notice of Public Meeting - August 20, 2020..... 009780

Human Services, Department of -
 Family Services Administration - Community Services
 Block Grant Notice of CSBG CARES Act Supplemental
 State Plan for Public Inspection Review and Comment..... 009781

Metropolitan Police Department -
 2019 First Amendment Activities Report009782 - 009783

Mundo Verde Public Charter School -
 Request for Proposals - Various Services 009784

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Planning and Economic Development, Office of the Deputy Mayor for -

Notice of Funding Availability (NOFA) -

FY21 Great Streets Retail Small Business Grant -

August 14, 2020..... 009785 - 009787

FY21 Great Streets Small Business

Retail Administration Grant - August 14, 2020..... 009788 - 009789

Notice of Public Surplus Hearings

Pursuant to D.C. Official Code § 10-801 -

Hill East Phase 2 - September 2, 2020..... 009790 - 009792

Reeves Center, 2000 14th Street NW - September 1, 2020.....009793

Public Employee Relations Board - Opinions -

1732 PERB Case No. 19-RC-01 National Association of
Government Employees and District of Columbia
Department of Forensic Sciences.....009794 - 009797

1735 PERB Case No. 19-A-10 American Federation of
Government Employees, Local 2725 v.
District of Columbia Housing Authority.....009798 - 009803

1736 PERB Case No. 19-A-11 District of Columbia
Housing Authority v. American Federation of
Government Employees, Local 2725009804 - 009811

Real Property Tax Appeals Commission -

Notice of Public Meetings Schedule 009812

Secretary, Office of the -

Recommendations for Appointments as DC Notaries Public -

Effective May 15, 2020 009813 - 009814

Effective June 1, 2020 009815 - 009816

Effective June 15, 2020 009817 - 009819

Sentencing Commission, DC -

Notice of Virtual Meeting - July 21, 2020 009820

Washington Leadership Academy Public Charter School -

Notice of Intent to Award a Sole Source Contract -

Busy Bee - Day Porter Services 009821

Zoning Adjustment, Board of - Cases -

20206 Tim Purdy - ANC 6C - Order009822 - 009825

20243 532 Taylor LLC - ANC 4C - Order009826 - 009832

20257 NCRC Erie Street LLC - ANC 8B - Order009833 - 009835

20258 William G. Springer & Forrest Kettler - ANC 2B - Order009836 - 009838

20259 Federal Realty - ANC 3C - Order009839 - 009841

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-350

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve the development agreement transmitted by the Mayor on June 8, 2020, as a contract in excess of \$1 million for the construction of a new hospital at St. Elizabeths; to approve the operations agreement transmitted by the Mayor on June 8, 2020, as a multiyear contract and contract in excess of \$1 million for the operation of the hospital; to authorize the Mayor to dispose of the hospital and the real property on which the hospital will be located to UHS East End Sub, LLC; to establish a special fund as a startup reserve for the hospital; and to amend the Health Services Planning Program Re-Establishment Act of 1996 to establish an uncompensated care requirement for the hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Hospital at St. Elizabeths Amendment Act of 2020".

TITLE I. CONTRACT APPROVAL; DISPOSITION AUTHORIZATION.

Sec. 101(a) 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 Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 *et seq.*), or any other law, the Council approves:

(1) The Development Agreement between the District of Columbia and UHS Building Solutions, Inc., for the design and construction of a hospital and other facilities ("Hospital Facilities") at St. Elizabeths and for other purposes ("Development Agreement"), transmitted by the Mayor to the Council on June 8, 2020, as a contract involving expenditures in excess of \$1 million during a 12-month period; and

(2) The Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes ("Operations Agreement"), transmitted by the Mayor to the Council on June 8, 2020, as a multiyear contract and as a contract involving expenditures in excess of \$1 million during a 12-month period.

(b) Notwithstanding 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.

ENROLLED ORIGINAL

Official Code § 10-801), or any other law, the Council authorizes the Mayor to dispose of the Hospital Facilities to UHS East End Sub, LLC, or its successor or assign, in fee simple or by lease for up to 99 years and to dispose of the real property known for assessment and taxation purposes as Lot 859 in Square 5868S ("New Hospital Property") by lease for up to 99 years to UHS East End Sub, LLC, or its successor or assign, as provided for in the Lease Agreement between the District of Columbia as landlord and UHS East End Sub, LLC, as tenant ("Lease Agreement"), transmitted by the Mayor to the Council on June 8, 2020, as such agreement may be amended by the Mayor from time to time, and to provide easements to owners of real property adjacent to the New Hospital Property and utility providers as may be necessary or appropriate for the construction and operation of the Hospital Facilities.

(c) Notwithstanding any other provision of law, the Mayor is authorized to take such actions as are appropriate to implement the Development Agreement, Operations Agreement, and Lease Agreement.

TITLE II. NEW HOSPITAL AT ST. ELIZABETHS STARTUP RESERVE FUND.

Sec. 201. This title may be cited as the "New Hospital at St. Elizabeths Startup Reserve Establishment Fund Act of 2020".

Sec. 202. New hospital at St. Elizabeths startup reserve fund.

(a) There is established as a special fund the New Hospital at St. Elizabeths Startup Reserve Fund ("Fund"), which shall be administered by the Department of Health Care Finance in accordance with subsections (c) and (d) of this section.

(b) There shall be deposited into the Fund such amounts as shall be appropriated, consistent with the Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes ("Operations Agreement"), approved pursuant to Title I.

(c) Money in the Fund shall be used for the purposes set forth in the Operations Agreement.

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

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

TITLE III. UNCOMPENSATED CARE REQUIREMENT.

Sec. 301. Section 6 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-405), is amended by adding a new subsection (a-1) to read as follows:

"(a-1) The requirement set forth in subsection (a) of this section, that a health care facility submit an assurance of its provision of a reasonable volume of uncompensated care through the

ENROLLED ORIGINAL

“annual compliance level” of 3% of its operating costs, shall not apply to the hospital referenced in Title I of the New Hospital at St. Elizabeths Amendment Act of 2020, passed on 2nd reading on July 21,2020 (Enrolled version of Bill 23-777 (“New Hospital Act”). Such hospital shall instead submit an assurance of its compliance with the uncompensated care, charity care, and community benefits requirement set forth in section 3.7 of the Operations Agreement approved in section 101(a)(2) of the New Hospital Act.”.

TITLE IV. GENERAL PROVISIONS.

Sec. 401. Fiscal impact statement.

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

Sec. 402. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30 day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

August 5, 2020

APPROVED

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-351

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To adjust, on an emergency basis, certain allocations in the Fiscal Year 2020 Local Budget Act of 2019 to maintain a balanced budget for the fiscal year ending September 30, 2020.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2020 Revised Local Budget Adjustment Emergency Act of 2020".

Sec. 2. The appropriations set forth in the Fiscal Year 2020 Local Budget Act of 2019, effective August 31, 2019 (D.C. Law 23-11; 66 DCR 8242), are decreased by (\$350,919,995) (including (\$317,868,607) in local funds, (\$23,355,258) in dedicated taxes, \$9,000,000 in enterprise funds, and (\$18,696,130) in other funds), to be allocated as follows:

Governmental Direction and Support

The appropriation for Governmental Direction and Support is decreased by (\$9,712,253) in local funds, to be allocated as follows:

- (1) Board of Ethics and Government Accountability. – (\$71,000) is rescinded from local funds;
- (2) Captive Insurance Agency. – (\$107,966) is rescinded from local funds;
- (3) Contract Appeals Board. – (\$61,621) is rescinded from local funds;
- (4) Department of General Services. –\$9,654,210 is added to local funds;
- (5) Department of Human Resources. – \$200,000 is added to local funds;
- (6) Executive Office of the Mayor. – (\$700,000) is rescinded from local funds;
- (7) Mayor’s Office of Legal Counsel. – (\$425,000) is rescinded from local funds;
- (8) Office of Campaign Finance. – (\$483,149) is rescinded from local funds;
- (9) Office of Contracting and Procurement. – (\$2,365,951) is rescinded from local funds;
- (10) Office of Disability Rights. – (\$51,784) is rescinded from local funds;
- (11) Office of Employee Appeals. – (\$35,343) is rescinded from local funds;
- (12) Office of Finance and Resource Management. – (\$383,000) is rescinded from local funds;

ENROLLED ORIGINAL

- (13) Office of Risk Management. – (\$368,898) is rescinded from local funds;
 (14) Office of the Attorney General for the District of Columbia. – (\$1,519,348) is rescinded from local funds;
 (15) Office of the Chief Financial Officer. – (\$2,000,000) is rescinded from local funds;
 (16) Office of the Chief Technology Officer. – (\$8,166,742) is rescinded from local funds;
 (17) Office of the City Administrator. – (\$350,000) is rescinded from local funds;
 (18) Office of the Inspector General. – (\$1,300,000) is rescinded from local funds;
 (19) Office of the Secretary. – (\$38,000) is rescinded from local funds;
 (20) Office of the Senior Advisor. – (\$86,769) is rescinded from local funds;
 (21) Public Employee Relations Board. – (\$127,526) is rescinded from local funds; and
 (22) Expenditure Commission. – (\$924,366) is rescinded from local funds.

Economic Development and Regulation

The appropriation for Economic Development and Regulation is decreased by (\$17,805,648) in local funds, to be allocated as follows:

- (1) Commission on the Arts and Humanities. – (\$983,010) is rescinded from local funds;
 (2) Department of Consumer and Regulatory Affairs. – (\$350,000) is rescinded from local funds;
 (3) Department of Employment Services. – (\$2,900,783) is rescinded from local funds;
 (4) Department of Housing and Community Development. – (\$321,710) is rescinded from local funds;
 (5) Department of Small and Local Business Development. – (\$535,035) is rescinded from local funds;
 (6) Housing Authority Subsidy. – (\$15,871,000) is rescinded from local funds;
 (7) Office of Cable Television, Film, Music, and Entertainment. – (\$186,698) is rescinded from local funds;
 (8) Office of Planning. – (\$368,038) is rescinded from local funds;
 (9) Office of the Deputy Mayor for Planning and Economic Development. – \$4,380,000 is added to local funds;
 (10) Office of the People's Counsel. – (\$74,226) is rescinded from local funds;
 (11) Office of the Tenant Advocate. – (\$311,897) is rescinded from local funds;
 (12) Office of Zoning. – (\$190,261) is rescinded from local funds;
 (13) Real Property Tax Appeals Commission. – (\$28,290) is rescinded from local funds; and
 (14) Rental Housing Commission – (\$64,700) is rescinded from local funds.

ENROLLED ORIGINAL

Public Safety and Justice

The appropriation for Public Safety and Justice is decreased by (\$202,333,690) in local funds, to be allocated as follows:

- (1) Corrections Information Council. – (\$7,817) is rescinded from local funds;
- (2) Criminal Code Reform Commission. – (\$68,779) is rescinded from local funds;
- (3) Criminal Justice Coordinating Council. – (\$231,285) is rescinded from local funds;
- (4) Department of Corrections. – (\$22,658,465) is rescinded from local funds;
- (5) Department of Forensic Sciences. – (\$1,119,022) is rescinded from local funds;
- (6) District of Columbia National Guard. – (\$112,481) is rescinded from local funds;
- (7) District of Columbia Sentencing Commission. – (\$120,204) is rescinded from local funds;
- (8) Fire and Emergency Medical Services Department. – (\$72,750,000) is rescinded from local funds;
- (9) Metropolitan Police Department. – (\$97,519,285) is rescinded from local funds;
- (10) Office of Administrative Hearings. – \$74,350 is added to local funds;
- (11) Office of Neighborhood Safety and Engagement. – (\$454,788) is rescinded from local funds;
- (12) Office of Police Complaints. – (\$160,000) is rescinded from local funds;
- (13) Office of the Chief Medical Examiner. – (\$2,392,373) is rescinded from local funds;
- (14) Office of the Deputy Mayor for Public Safety and Justice. – (\$92,174) is rescinded from local funds;
- (15) Office of Unified Communications. – (\$1,655,501) is rescinded from local funds; and
- (16) Office of Victim Services and Justice Grants. – (\$3,065,866) is rescinded from local funds.

Public Education System

The appropriation for Public Education System is decreased by (\$18,792,741) in local funds, to be allocated as follows:

- (1) District of Columbia Public Charter Schools. – \$5,655,390 is added to local funds;
- (2) District of Columbia Public Library. – (\$1,411,494) is rescinded from local funds;

ENROLLED ORIGINAL

funds;

(3) District of Columbia Public Schools. – (\$5,841,830) is rescinded from local

funds;

(4) District of Columbia State Athletics Commission. – (\$43,763) is rescinded from local funds;

(5) Non-Public Tuition. – (\$303,922) is rescinded from local funds;

(6) Office of the Deputy Mayor for Education. – (\$4,488,495) is rescinded from local funds;

(7) Office of the State Superintendent of Education. – (\$7,810,304) is rescinded from local funds;

(8) Special Education Transportation. – (\$1,716,030) is rescinded from local funds;

(9) State Board of Education. – (\$151,807) is rescinded from local funds; and

(10) University of the District of Columbia Subsidy Account. – (\$2,680,486) is rescinded from local funds.

Human Support Services

The appropriation for Human Support Services is decreased by (\$91,696,481) in local funds, to be allocated as follows:

(1) Child and Family Services Agency. – (\$2,999,274) is rescinded from local funds;

(2) Department of Aging and Community Living. – (\$1,527,525) is rescinded from local funds;

(3) Department of Health. – (\$6,291,168) is rescinded from local funds;

(4) Department of Health Care Finance. – (\$57,223,759) is rescinded from local funds;

(5) Department of Human Services. – \$12,084,296 is added to local funds;

(6) Department of Parks and Recreation. – (\$3,415,809) is rescinded from local funds;

(7) Department of Youth Rehabilitation Services. – (\$7,017,034) is rescinded from local funds;

(8) Department on Disability Services. – (\$20,700,000) is rescinded from local funds;

(9) Employees' Compensation Fund. – (\$3,789,438) is rescinded from local funds;

(10) Office of Human Rights. – (\$728,995) is rescinded from local funds;

(11) Office of Veterans' Affairs. – (\$8,000) is rescinded from local funds;

(12) Office on Asian and Pacific Islander Affairs. – (\$8,125) is rescinded from local funds; and

(13) Office on Latino Affairs. – (\$71,650) is rescinded from local funds.

ENROLLED ORIGINAL

Public Works

The appropriation for Public Works is decreased by \$50,234,867 (including (\$8,183,479) in local funds, (\$23,355,258) in dedicated taxes, and (\$18,696,130) in other funds) to be allocated as follows:

- (1) Department of Energy and Environment. – (\$3,851,483) is rescinded from local funds;
- (2) Department of For-Hire Vehicles. – (\$369,569) is rescinded from local funds;
- (3) Department of Motor Vehicles. – \$2,245,119 is added to local funds;
- (4) Department of Public Works. – (\$3,943,398) is rescinded from local funds;
- (5) Department of Transportation. – (\$2,184,399) is rescinded from local funds;
- (6) Office of the Deputy Mayor for Operations and Infrastructure. – (\$79,749) is rescinded from local funds; and
- (7) Washington Metropolitan Area Transit Authority. – (\$42,251,388) is rescinded (including (\$23,355,258) from dedicated taxes and (\$18,696,130) from other funds).

Financing and Other

The appropriation for Financing and Other is increased by \$30,655,685 in local funds to be allocated as follows:

- (1) Non-Departmental. – \$13,753,300 is added to local funds;
- (2) Pay-As-You-Go Capital Fund. – (\$17,000,000) is rescinded from local funds;
- (3) Emergency and Contingency Reserve Funds. – \$23,737,344 is added to local funds;
- (4) Workforce Investments Account. – \$2,037,034 is added to local funds;
- (5) Settlements and Judgements. – (\$871,993) is rescinded from local funds; and
- (6) Convention Center Transfer. – \$9,000,000 is added to local funds.

Enterprise and Other

The appropriation for Enterprise and Other is increased by \$9,000,000 in enterprise funds to be allocated as follows:

- (1) Washington Convention and Sports Authority. – \$9,000,000 is added to enterprise funds.

Sec. 3. Advance payments to District of Columbia Public Schools and Public Charter Schools.

(a) Section 2 of the Fiscal Year 2020 Local Budget Act of 2019, effective August 31, 2019 (D.C. Law 23-11; 66 DCR 8242), is amended as follows:

- (1) The appropriation for District of Columbia Public Charter Schools is amended by striking the phrase “(as adopted by the District)” and inserting the phrase “(as approved by the

ENROLLED ORIGINAL

Council on second reading)” in its place.

(2) The appropriation for District of Columbia Public Schools is amended by striking the phrase “(as adopted by the District)” and inserting the phrase “(as approved by the Council on second reading)” in its place.

(b) Notwithstanding section 2403(a)(2)(A)(i) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.03(a)(2)(A)(i)), and section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02) (“UPSFF Act”), for school year 2020-2021, the Mayor shall make the first quarterly payment required to be made to public charter schools pursuant to section 107b of the UPSFF Act no later than August 1, 2020.

(c) This section shall apply as of July 15, 2020.

Sec. 4. Designated fund transfers.

(a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2020 the following amounts from certified fund balances and other revenue in the identified accounts to the General Fund of the District of Columbia:

Agency Code	Agency	Fund Detail	Fund Name	FY 2020
<i>Special Purpose Revenue</i>				
AG0	BEGA	0601	Accountability Fund	60,000
AT0	OCFO	0606	Recorder of Deeds Surcharge	700,000
BD0	OP	2001	Historic Landmark and Historic District Filing Fees	127,039
BX0	DCCAH	0600	Arts and Humanities Enterprise Fund	222,753
CB0	OAG	0616	Litigation Support Fund	1,024,373
CF0	DOES	0619	DC Jobs Trust Fund	230,000
CI0	OCTFME	0600	Special Purpose Revenue	700,000
CQ0	OTA	6000	Rental Unit Fee Fund	462,101
CR0	DCRA	6009	R-E Appraisal Fee	75,000
CR0	DCRA	6040	Corporate Recordation Fund	5,895,623
CR0	DCRA	6050	Expedited Permit Review	1,150,000
DB0	DHCD	0610	DHCD Unified Fund	2,300,000
EB0	DMPED	0419	H St Retail Priority Area	324,764
EN0	DSLBD	6160	Streetscape Loan Relief Fund	44,080

ENROLLED ORIGINAL

FB0	FEMS	0601	FEMS Reform Fund	189,064
FL0	DOC	0605	Corrections Reimbursement Juveniles	268,000
GD0	OSSE	0620	Child Development Facilities Fund	86,737
GD0	OSSE	6007	Site Evaluation	40,000
GL0	DCSAC	0619	State Athletic Acts Programming and Office Fund	49,801
HC0	DOH	0605	SHPDA Fees	47,351
HC0	DOH	0632	Pharmacy Protection	286,116
HC0	DOH	0643	Board of Medicine	1,173,462
HT0	DHCF	0631	Medicaid Collections Third Party Liability	384,592
HT0	DHCF	0632	Bill of Rights (Grievances and Appeals)	1,596,337
KA0	DDOT	0643	Tree Fund	129,015
KG0	DOEE	0645	Pesticide Product Registration	361,081
KG0	DOEE	0647	Mold Assessment and Remediation	69,386
KG0	DOEE	6400	DC Municipal Aggregation Program	57,510
KG0	DOEE	6500	Benchmarking Enforcement Fund	102,134
KT0	DPW	6010	Super Can Program	37,751
KT0	DPW	6052	Solid Waste Diversion Fund	113,762
KT0	DPW	6082	Solid Waste Disposal Fee Fund	37,889
KT0	DPW	6591	Clean City Fund	205,723
KV0	DMV	6258	Motor Vehicle Inspection Station	1,200,000
LQ0	ABRA	6017	ABC - Import and Class License Fees	249,202
RJ0	MLCIA	0640	Subrogation Fund	4,321,489
RM0	DMH	0640	DMH Medicare and Third Party Reimbursement	188,400
SR0	DISB	2350	Securities and Banking Fund	1,100,000
SR0	DISB	2910	Foreclosure Mediation Fund	29,650
TO0	OCTO	0602	DC Net Services Support	3,295,975
UC0	OUC	1630	911 and 311 Assessments	1,455,501
Dedicated Taxes				
BX0	DCCAH	0110	Commission on Arts and Humanities	1,245,000
HT0	DHCF	0111	Healthy DC Fund	449,244
LQ0	ABRA	0110	Dedicated Taxes	783,683
Local				

ENROLLED ORIGINAL

BG0	ECF		Employee Compensation Fund	500,000
CJ0	OCF		Fair Elections Fund	400,000
KG0	DOEE		CRIAC Relief Fund	3,000,000
UP0	WI		Workforce Investments Fund	57,202,000
Total				\$ 93,971,588

(b) Notwithstanding any provision of law limiting the use of funds in the accounts listed in D.C. Official Code § 47-392.02(j-5)(1) and (2), the amounts deposited and committed to those accounts pursuant to D.C. Official Code § 47-392.02(j-5) in Fiscal Year 2020, based on the Comprehensive Annual Financial Report for Fiscal Year 2019, shall, after such deposits and commitments have been made, be transferred by the Chief Financial Officer before the end of Fiscal Year 2020 to the unassigned balance of the General Fund of the District of Columbia.

(c) The amounts identified in subsections (a) and (b) of this section shall be made available as set forth in the approved Fiscal Year 2021 Budget and Financial Plan.

Sec. 5. Capital project reallocations.

In Fiscal Year 2020, the Chief Financial Officer shall rescind or adjust capital project allotments as set forth in the following tabular array, with the savings to be used as set forth in the approved Fiscal Year 2021 Budget and Financial Plan:

Owner Agency	Project No	Project Title	Fund Detail	Total
AB0	WIL04C	JOHN A. WILSON BUILDING FUND	300	(825,000)
			301	(175,000)
AM0	BC101C	FACILITY CONDITION ASSESSMENT	300	(567,438)
	PL104C	ADA COMPLIANCE POOL	300	(200,000)
	PL402C	ENHANCEMENT COMMUNICATIONS INFRASTRUCTURE	300	(48,903)
			304	(101,097)
	PL601C	HVAC REPAIR RENOVATION POOL	300	210,000
	PL901C	ENERGY RETROFITTING OF DISTRICT BUILDING	300	(891,664)
	SPC01C	DC UNITED SOCCER STADIUM	300	(1,118,607)
AT0	IFSMPC	MP-NEW FINANCIAL SYSTEM	304	43,117,668
BA0	AB102C	ARCHIVES	300	(11,869,946)
BN0	BRM26C	HSEMA EMERGENCY OPERATIONS CENTER RENOVA	300	(250,000)
CF0	PFL08C	PAID FAMILY LEAVE IT APPLICATION	304	(16,500,000)

ENROLLED ORIGINAL

EB0	AWR01C	SAINT ELIZABETHS E CAMPUS INFRASTRUCTURE	300	53,812,655
			301	(11,000,000)
	CHN19C	CHILDREN'S NATIONAL	300	(10,000,000)
			309	10,000,000
FB0	LC837C	RELOCATION OF ENGINE COMPANY 26	300	(3,850,000)
GA0	GM121C	MAJOR REPAIRS/MAINTENANCE	300	365,000
	OA737C	STODDERT ELEMENTARY SCHOOL MODERNIZATION	300	500,000
	SG403C	KEY ES	300	(500,000)
	TB137C	BRENT ES MODERNIZATION	300	(8,976,668)
HA0	BSM37C	BENNING STODDERT MODERNIZATION	300	(12,398)
	NPKPPC	NATIONAL PARK PURCHASE	300	(5,000,000)
	Q11HRC	HILLCREST RECREATION CENTER	300	(57,648)
	QE238C	RIDGE ROAD RECREATION CENTER	300	(9,954)
	QL201C	OFF-LEASH DOG PARKS	301	(1,550,000)
	QM701C	CHEVY CHASE COMMUNITY CENTER	300	(6,500,000)
	QN702C	ATHLETIC FIELD AND PARK IMPROVEMENTS	300	80,000
			301	(80,000)
JA0	HSW04C	WARD 4 TEMPORARY HOUSING FOR FAMILIES	300	(129,000)
	PSH01C	PSH UNITS FOR SENIOR WOMEN	300	5,673,332
			304	(5,673,332)
KA0	AW031C	S CAPITOL ST/FREDERICK DOUGLASS BRIDGE	310	23,900,000
	BR005C	H STREET BRIDGE	300	(10,541,000)
	LMB31C	NEW YORK AVENUE MEDIAN STREETSCAPES	300	(1,000,000)
	LMSAFC	SAFETY & MOBILITY	300	1,039,000
	SA394C	STREETCAR - BENNING EXTENSION	300	(25,000,000)
	SR304C	LOCAL STREETS WARD 4	300	825,000
			301	(825,000)
KT0	CP201C	COMPOSTING FACILITY	301	(1,075,000)
	FLW02C	DPW - FLEET VEHICLES > \$100K	301	(3,375,000)
Grand Total				11,820,000

ENROLLED ORIGINAL

Sec. 6. Notwithstanding any provision of law, the \$3,204,936 to be received by the District from the sale of Parcel 17 on the St. Elizabeths campus shall be made available as set forth in this act.

Sec. 7. Fiscal impact statement.

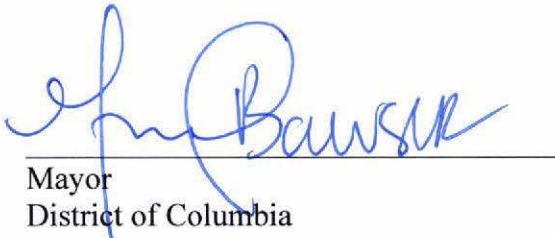
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-352

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve, on an emergency basis, Modification Nos. 8 and 9 to Contract No. CW59303 with MVS, Inc. to provide information technology equipment and software to the District, and to authorize payment for the goods and services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW59303 with MVS, Inc. 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 the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 8 and 9 to Contract No. CW59303 with MVS, Inc., to provide information technology equipment and software and to authorize payment in the total not-to-exceed amount of \$10 million for the goods and services received and to be received under the contract for the period from March 29, 2020, through March 28, 2021.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve, on an emergency basis, Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131, between the Department of General Services and MCN Build, Inc., increasing the aggregate contract amount to \$50,489,666.49, and to authorize payment to MCN Build, Inc. for the design-build services received and to be received pursuant to these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131 with MCN Build, Inc. 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 the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131, between the Department of General Services and MCN Build, Inc. for design-build services for the modernization of C.W. Harris Elementary School and authorizes payment in the amount of \$50,489,666.49 to MCN Build, Inc. for goods and services received and to be received pursuant to these modifications.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve, on an emergency basis, Contract No. DCAM-20-CS-RFP-0006, between the Department of General Services and Chiaramonte Construction Company, increasing the aggregate amount of the contract to \$3,086,003, and to authorize payment to Chiaramonte Construction Company for design-build 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-20-CS-RFP-0006 with Chiaramonte Construction Company 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 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-20-CS-RFP-0006 between the Department of General Services and Chiaramonte Construction Company for design-build services, increasing the amount of the contract to \$3,086,003 and authorizes payment to Chiaramonte Construction Company for 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.

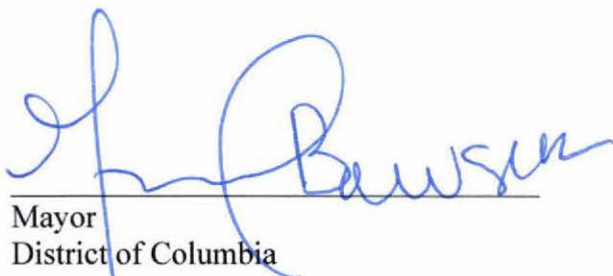
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve, on an emergency basis, Change Order Nos. 3 and 4 to Contract No. DCAM-17-AE-0125 between the Department of General Services and Perkins Eastman DC, PLLC, increasing the aggregate contract amount to \$4,695,270, and to authorize payment to Perkins Eastman DC, LLC for architectural and engineering services received and to be received under the these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Order Nos. 3 and 4 to Contract No. DCAM-17-AE-0125 with Perkins Eastman DC, PLLC 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 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 Change Order Nos. 3 and 4 to Contract No. DCAM-17-AE-0125, between the Department of General Services and Perkins Eastman DC, PLLC and authorizes payment to Perkins Eastman DC, PLLC in the amount of \$4,695,270 for architectural and engineering services received and to be received under these change orders.

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.

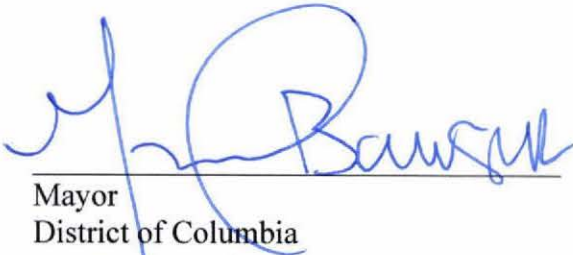
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve, on an emergency basis, Contract No. DCAM-20-CS-RFP-0005 between the Department of General Services and GCS-SIGAL|GRUNLEY Joint Venture, increasing the amount of the Contract to \$25 million, and to authorize payment to GCS-SIGAL|GRUNLEY Joint Venture for design-build 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-20-CS-RFP-0005 with GCS-SIGAL|GRUNLEY Joint Venture 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 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-20-CS-RFP-0005 between the Department of General Services and GCS-SIGAL|GRUNLEY Joint Venture, increasing the amount of the contract to \$25 million and authorizes payment to GCS-SIGAL|GRUNLEY Joint Venture for design-build services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

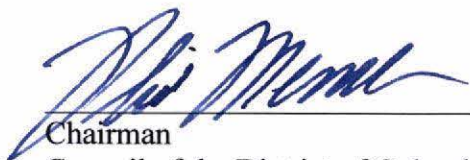
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 6, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

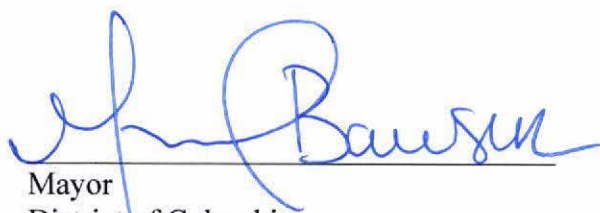
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To amend, on an emergency basis, the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of the report on the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary to conduct an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the analysis of the root causes of youth crime and prevalence of adverse childhood experiences report to March 31, 2020, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; and to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify that amendments to section 3c of the act apply to all proceedings pending in any District of Columbia court that were initiated under that section, regardless of when those proceedings were initiated.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2020”.

Sec. 2. Section 102(a) of the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-242(a)), is amended as follows:

- (a) Paragraph (3)(K) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (b) Paragraph (4)(B) is amended by striking the period and inserting the phrase “; and” in its place.
- (c) A new paragraph (5) is added to read as follows:

ENROLLED ORIGINAL

“(5) To aid in the development of the report required by section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”

Sec. 3. Section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), 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 and inserting the phrase “; or” in its place.

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

“(4) To meet the requirements of section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”

Sec. 4. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended as follows:

(a) Subsection (b-3) is amended by striking the phrase “On October 1, 2018” and inserting the phrase “On March 31, 2020” in its place.

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

“(b-4) Upon request by the CJCC, and to aid in the development of the report required by subsection (b-3) of this section, the following agencies shall provide, or cause to be provided, the information listed below to the CJCC, including any associated personally identifying information:

“(1) For the Office of the State Superintendent of Education, the following information for each student enrolled in a District of Columbia Public School or a District of Columbia public charter school for the preceding 2 completed academic years:

“(A) Demographic information, including:

“(i) Name, address, and date of birth;

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including:

“(i) The school or campus attended by each student;

“(ii) The location of the school or campus;

“(iii) Whether the school or campus is an elementary school, middle school, or high school;

ENROLLED ORIGINAL

“(iv) Whether the school or campus is a public school, public charter school, or private school;

“(v) The student’s grade level;

“(vi) Whether the student receives special education services;

“(vii) Whether the student is identified as homeless; and

“(viii) Whether the student is one year older, or more, than the expected age for the grade in which the student is enrolled;

“(C) Attendance data;

“(D) Performance data, including:

“(i) Student performance on any District-wide assessments; and

“(ii) Grade advancement for students enrolled; and

“(E) Discipline data, including:

“(i) Total number of in-school suspensions, out-of-school suspensions, involuntary dismissals, emergency removals, disciplinary unenrollment, voluntary withdrawals or transfers, referrals to law enforcement, school-based arrests, or, for students with disabilities, changes in placement, experienced by the student during each school year;

“(ii) Total number of days excluded from school;

“(iii) Whether the student was referred to an alternative education setting for the duration of a suspension, and whether the student attended the alternative education setting;

“(iv) Whether the student was subject to a disciplinary unenrollment during the school year;

“(v) Whether the student voluntarily withdrew or voluntarily transferred from the school during the school year;

“(vi) Whether the student was subject to referral to law enforcement;

“(vii) Whether the student was subject to school-related arrest; and

“(viii) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students with disabilities, change in placement;

“(2) For the Department of Health Care Finance, the following information for individuals between the ages of 10 and 18:

“(A) Demographic information, including:

“(i) Name, address, and date of birth;

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including;

ENROLLED ORIGINAL

“(i) Eligibility start date;
“(ii) Eligibility end date; and
“(iii) Eligibility basis;
“(C) Claims data with mental, behavioral, and neurodevelopmental disorder diagnoses or substance abuse diagnoses; and
“(D) Claims data with mental health or substance abuse procedures;
“(3) For the Department of Human Services, enrollment data for households participating in the District’s Temporary Assistance for Needy Families (“TANF”) program, including:
“(A) The name, address, and date of birth for each household member for individuals between the ages of 10 and 18; and
“(B) Household income information; and
“(4) For the Child and Family Services Agency, the following information for individuals between the ages of 10 and 18:
“(A) Demographic information, including:
“(i) Name, address, and date of birth;
“(ii) Sex;
“(iii) Gender;
“(iv) Race; and
“(v) Ethnicity;
“(B) Investigation data related to alleged child abuse or neglect, including:
“(i) Allegations made against the individual’s parents, guardians, or other custodians;
“(ii) Whether the allegations were substantiated or inconclusive;
“(iii) The date the investigation was completed or suspended;
“(iv) Whether the individual was removed from the home or another location;
“(v) The reason for the removal; and
“(vi) The date of the removal; and
“(C) Family assessment data related to alleged child abuse or neglect, including:
“(i) Allegations made against the individual’s parents, guardians, or other custodians;
“(ii) The date the family assessment was initiated;
“(iii) The date the family assessment was completed;
“(iv) Whether the family assessment resulted in the determination that the family needs services or resulted in a referral for investigation; and
“(v) The reason the family assessment was closed.”.

ENROLLED ORIGINAL

Sec. 5. Section 3c of 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, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), is amended by adding a new subsection (f) to read as follows:

“(f) Any amendments to this section shall apply to all proceedings initiated under this section, including any appeals thereof, in any District of Columbia court, including proceedings that are pending as of the effective date of the Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2019, effective July 24, 2019 (D.C. Act 23-106; 66 DCR 9754), regardless of when those proceedings were initiated.”.

Sec. 6. 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. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To amend, on an emergency basis, the Establishment of the Office of the Chief Medical Examiner Act of 2000 to require the Office of the Chief Medical Examiner to investigate all maternal mortalities occurring in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Investigating Maternal Mortalities Emergency Amendment Act of 2020”.

Sec. 2. Section 2906 of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1405), is amended as follows:

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

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

(2) Paragraph (12) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (13) is added to read as follows:

“(13) All maternal mortalities.”.

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

“(b-1) For the purposes of subsection (b) of this section, the term:

“(1) “Maternal mortalities” means pregnancy-associated deaths and pregnancy-related deaths, as those terms are defined in section 2(4) and (5) of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01(4) and (5)), and deaths resulting from severe maternal morbidity.

“(2) “Severe maternal morbidity” means one of the following outcomes of labor and delivery that results in short-term or long-term consequences to a woman’s health:

“(A) Acute myocardial infarction;

“(B) Acute renal failure;

“(C) Adult respiratory distress syndrome;

ENROLLED ORIGINAL

- “(D) Air and thrombotic embolism;
- “(E) Amniotic fluid embolism;
- “(F) Anesthesia complications;
- “(G) Aneurysm;
- “(H) Blood products transfusion;
- “(I) Cardiac arrest/ventricular fibrillation;
- “(J) Conversion of cardiac rhythm;
- “(K) Disseminated intravascular coagulation;
- “(L) Eclampsia;
- “(M) Heart failure/arrest during surgery or procedure;
- “(N) Hysterectomy;
- “(O) Puerperal cerebrovascular disorders;
- “(P) Pulmonary edema/acute heart failure;
- “(Q) Sepsis;
- “(R) Shock;
- “(S) Sickle cell disease with crisis;
- “(T) Temporary tracheostomy; or
- “(U) Ventilation.”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 5, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to expand the membership of the Concealed Pistol Licensing Review Board to enable the Board to more efficiently hear appeals related to licenses to carry a concealed pistol.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Concealed Pistol Licensing Review Board Membership Emergency Amendment Act of 2020”.

Sec. 2. Section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08), is amended as follows:

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

(1) The lead-in language is amended by striking the phrase “7 members” and inserting the phrase “11 members” in its place.

(2) Subparagraph (D) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) Subparagraph (E) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Three public” and inserting the phrase “Seven public” in its place.

(B) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

(D) New sub-subparagraphs (iii), (iv), and (v) are added to read as follows:

“(iii) Two District residents with professional experience in the field of gun violence prevention;

“(iv) One District resident with professional experience in the field of victim services or advocacy; and

ENROLLED ORIGINAL

“(v) One District resident attorney in good standing with the District of Columbia Bar with professional experience in criminal law.”


(b) Subsection (c) is amended by striking the phrase “section. Each hearing panel shall contain at least one member designated by subsection (b)(1)(A), (B), or (D) of this section.” and inserting the phrase “section.” in its place.

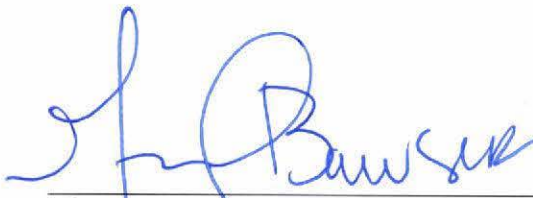
Sec. 3. Fiscal impact statement.

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

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
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 5, 2020

To approve, on an emergency basis, the development agreement transmitted by the Mayor on June 8, 2020, as a contract in excess of \$1 million for the construction of a new hospital at St. Elizabeths; approve the operations agreement transmitted by the Mayor on June 8, 2020, as a multiyear contract and contract in excess of \$1 million for the operation of the hospital; to authorize the Mayor to dispose of the hospital and the real property on which the hospital will be located to UHS East End Sub, LLC; establish a special fund as a startup reserve for the hospital; and amend the Health Services Planning Program Re-Establishment Act of 1996 to establish an uncompensated care requirement for the hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “New Hospital at St. Elizabeths Emergency Amendment Act of 2020”.

TITLE I. CONTRACT APPROVAL; DISPOSITION AUTHORIZATION.

Sec. 101.(a) 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 Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 *et seq.*), or any other law, the Council approves:

(1) The Development Agreement between the District of Columbia and UHS Building Solutions, Inc., for the design and construction of a hospital and other facilities (“Hospital Facilities”) at St. Elizabeths and for other purposes (“Development Agreement”), transmitted by the Mayor to the Council on June 8, 2020, as a contract involving expenditures in excess of \$1 million during a 12-month period; and

(2) The Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes (“Operations Agreement”), transmitted by the Mayor to the Council on June 8, 2020, as a multiyear contract and as a contract involving expenditures in excess of \$1 million during a 12-month period.

ENROLLED ORIGINAL

(b) Notwithstanding 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), or any other law, the Council authorizes the Mayor to dispose of the Hospital Facilities to UHS East End Sub, LLC, or its successor or assign, in fee simple or by lease for up to 99 years and to dispose of the real property known for assessment and taxation purposes as Lot 859 in Square 5868S (“New Hospital Property”) by lease for up to 99 years to UHS East End Sub, LLC, or its successor or assign,, as provided for in the Lease Agreement between the District of Columbia as landlord and UHS East End Sub, LLC, as tenant (“Lease Agreement”), transmitted by the Mayor to the Council on June 8, 2020, as such agreement may be amended by the Mayor from time to time, and to provide easements to owners of real property adjacent to the New Hospital Property and utility providers as may be necessary or appropriate for the construction and operation of the Hospital Facilities.

(c) Notwithstanding any other provision of law, the Mayor is authorized to take such actions as are appropriate to implement the Development Agreement, Operations Agreement, and Lease Agreement.

TITLE II. NEW HOSPITAL AT ST. ELIZABETHS STARTUP RESERVE FUND.

Sec. 201. This title may be cited as the “New Hospital at St. Elizabeths Startup Reserve Establishment Fund Act of 2020”.

Sec. 202. New hospital at St. Elizabeths startup reserve fund.

(a) There is established as a special fund the New Hospital at St. Elizabeths Startup Reserve Fund (“Fund”), which shall be administered by the Department of Health Care Finance in accordance with subsections (c) and (d) of this section.

(b) There shall be deposited into the Fund such amounts as shall be appropriated, consistent with the Hospital Operations Agreement between the Government of the District of Columbia and UHS East End Sub, LLC, for the operation of a hospital at St. Elizabeths and for other purposes (“Operations Agreement”), approved pursuant to Title I.

(c) Money in the Fund shall be used for the purposes set forth in the Operations Agreement.

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

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

TITLE III. UNCOMPENSATED CARE REQUIREMENT.

Sec. 301. Section 6 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-405), is amended by adding a new subsection (a-1) to read as follows:

ENROLLED ORIGINAL

“(a-1) The requirement set forth in subsection (a) of this section that a health care facility submit an assurance of its provision of a reasonable volume of uncompensated care through the “annual compliance level” of 3% of its operating costs shall not apply to the hospital referenced in Title I of the New Hospital at St. Elizabeths Emergency Amendment Act of 2020, passed on emergency basis on July 21, 2020 (Enrolled version of Bill 23-847) (“New Hospital Act”). Such hospital shall instead submit an assurance of its compliance with the uncompensated care, charity care, and community benefits requirement set forth in section 3.7 of the Operations Agreement approved in section 101(a)(2) of the New Hospital Act.”.

TITLE IV. GENERAL PROVISIONS.

Sec. 401. Fiscal impact statement.

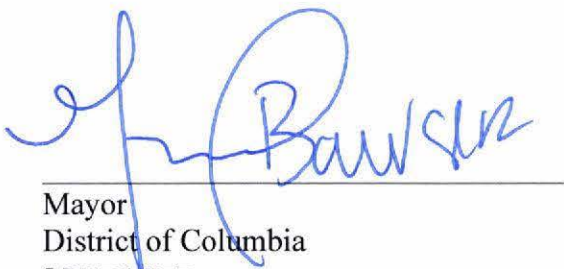
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 402. 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
August 5, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Contract No. DCAM-20-NC-RFP-0001D between the Department of General Services and RBK Construction, Inc., increasing the not-to-exceed amount to \$2,667,017, and to authorize payment to RBK Construction, Inc. 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-20-NC-RFP-0001D with RBK Construction, Inc. 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-20-NC-RFP-0001D between the Department of General Services and RBK Construction, Inc., for comprehensive city-wide landscaping maintenance and supplemental landscaping services, increasing the not-to-exceed amount by \$1,744,678, from \$922,339 to \$2,667,017 and authorizes payment to RBK Construction, Inc., for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Modification Nos. 3 and 4 to Contract No. DCAM-17-CS-0033I between the Department of General Services and WKM Solutions, LLC, increasing the contract’s Option Year 003 not-to-exceed amount to \$15 million, and to authorize payment to WKM Solutions, LLC for small construction services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 3 and 4 to Contract No. DCAM-17-CS-0033I with WKM Solutions, LLC 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 the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 3 and 4 to Contract No. DCAM-17-CS-0033I between the Department of General Services and WKM Solutions, LLC and authorizes payment to the contractor in the not-to-exceed amount of \$15 million for small construction services received and to be received under these modifications.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 10.2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-363

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Contract No. DCAM-19-CS-RFP-0062 between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the amount of the contract to \$13,563,460.80, and to authorize payment to Smoot Construction Company of Washington, DC 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-CS-RFP-0062 with Smoot Construction Company of Washington, DC 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 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-CS-RFP-0062 between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the amount of the contract to \$13,563,460.80 and authorizes payment to Smoot Construction Company of Washington DC 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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Modification Nos. 02, 03, and 04 to Contract No. DCAM-19-CS-RFQ-0001C between the Department of General Services and RSC Electrical & Mechanical Contractors, Inc., increasing the contract’s Option Year 001 not-to-exceed amount to \$3.5 million, and to authorize payment for goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 02, 03, and 04 to Contract No. DCAM-19-CS-RFQ-0001C with RSC Electrical & Mechanical Contractors, Inc. 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 the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification Nos. 02, 03, and 04 to Contract No. DCAM-19-CS-RFQ-0001C between the Department of General Services and RSC Electrical & Mechanical Contractors, Inc. for small general construction projects, increasing the contract’s Option Year 001 not-to-exceed amount to \$3.5 million, and authorizes payment to RSC Electrical & Mechanical Contractors, Inc. for goods and services received and to be received under the modifications.

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.

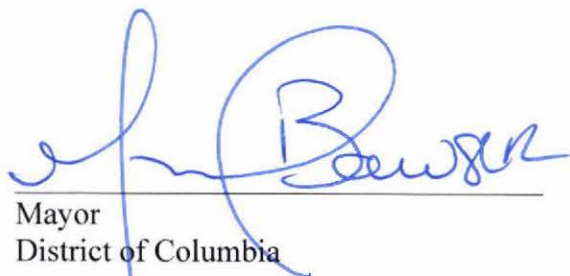
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Modification Nos. 02 and 03 to Contract No. DCAM-19-CS-RFQ-0001S between the Department of General Services and Thiha, Inc., increasing the contract’s Option Year 001 not-to-exceed amount to \$3.5 million, and to authorize payment to Thiha, Inc. for goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 02 and 03 to Contract No. DCAM-19-CS-RFQ-0001S with Thiha, Inc. 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 the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification Nos. 02 and 03 to Contract No. DCAM-19-CS-RFQ-0001S between the Department of General Services and Thiha, Inc. for small general construction projects, increasing the aggregate not-to-exceed amount to \$3.5 million, and authorizes payment to Thiha, Inc. for goods and services received and to be received under the modifications.

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.

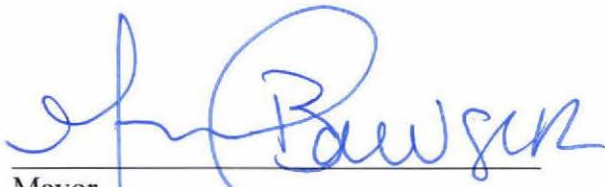
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Change Order Nos. 04, 05, 06, and 07 to Contract No. DCAM-18-CS-0117 between the Department of General Services and Stevens School Developer, LLC for design-build services for Thaddeus Stevens School Exterior Renovation, and to authorize payment in the aggregate amount of \$1,025,455 for the goods and services received and to be received under these change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 04, 05, 06 and 07 to Contract No. DCAM-18-CS-0117 with Stevens School Developer, LLC 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), the Council approves Modification Nos. 04, 05, 06, and 07 to Contract No. DCAM-18-CS-0117 with Stevens School Developer, LLC for design-build services for Thaddeus Stevens School Exterior Renovation and authorizes payment in the aggregate amount of \$1,025,455 for services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

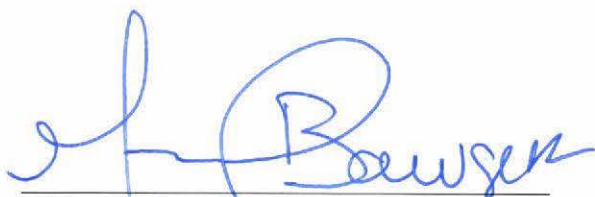
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Contract No. DCAM-19-CS-AE-0056 between the Department of General Services and Bell Architects, PC, to increase the aggregate amount of the contract to \$1,910,118, and to authorize payment to Bell Architects, PC 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-CS-AE-0056 with Bell Architects, PC 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 the requirements of section 202 of the Procurement Practices Reform Act of 2010, as amended, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-19-CS-AE-0056 between the Department of General Services and Bell Architects, PC for architectural engineering services for Chevy Chase Community Center, increasing the not-to-exceed amount of the contract to \$1,910,118 and authorizing payment to Bell Architects, PC 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.

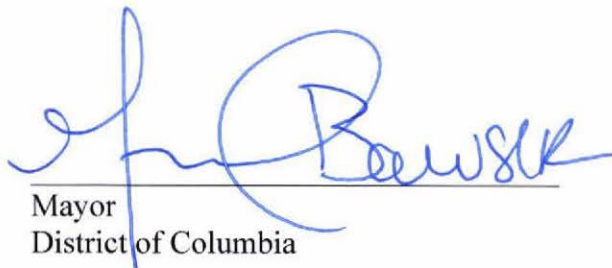
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Contract No. DCAM-19-CS-RFP-0007 between the Department of General Services and Chiaramonte Construction Company, increasing the Contract amount to a guaranteed maximum price of \$7,376,433, and to authorize payment to Chiaramonte Construction Company 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-CS-RFP-0007 with Chiaramonte Construction Company 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(a) 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-CS-RFP-0007 between the Department of General Services and Chiaramonte Construction Company for construction management-at-risk services for Benning Park Community Center (“Contract”), increasing the Contract amount by \$6,396,433, from the letter contract amount of \$980,000 to a guaranteed maximum price of \$7,376,433, and authorizes payment to Chiaramonte Construction Company 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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Contract No. DCAM-19-CS-IFB-0010 between the Department of General Services and Dissen & Juhn, LLC, increasing the not-to-exceed amount of the contract to \$1,013,562, and to authorize payment to Dissen & Juhn, LLC 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-CS-IFB-0010 with Dissen & Juhn, LLC 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 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-CS-IFB-0010 between the Department of General Services and Dissen & Juhn, LLC, increasing the not-to-exceed amount of the contract to \$1,013,562 and authorizes payment to Dissen & Juhn, LLC 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.

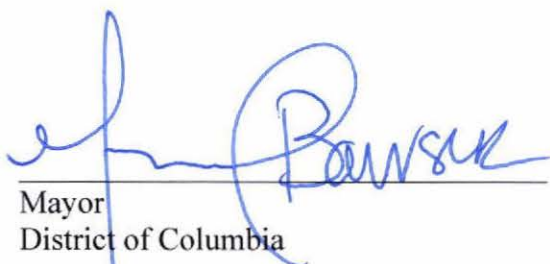
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-370

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

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

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

Sec. 2. Definitions.

For the purposes of this act, the term:

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

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

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

(4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law

ENROLLED ORIGINAL

10-188; D.C. Official Code § 10-1202.08), and any amounts to be made available to the Washington Metropolitan Transit Authority pursuant to section 7101 of the Revised Revenue Contingency List Act of 2017, effective December 13, 2017 (D.C. Law 22-33; 64 DCR 7652), and section 2 of the Stable and Reliable Source of WMATA Revenues act of 1982, effective April 30, 1982 (D.C. Law 4-103; D.C. Official Code 9-1111.15(b)(2)(A)).

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

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

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

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

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

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

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

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

(21) "TIF" means tax increment financing.

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

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

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

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

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

(a) There is created a TIF area designated as the Reunion Square TIF Area. The Reunion Square TIF Area is defined as: Lots 827, 829, 984, 1017, and 1020 in Square 5772; Lot 1018 in Square 5783; and Lots 899, 900, and 1101 in Square 5784.

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

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

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

ENROLLED ORIGINAL

- (A) \$121,881 in base year 2020;
- (B) \$121,881 in base year 2021;
- (C) \$121,881 in base year 2022;
- (D) \$129,193 in base year 2023;
- (E) \$136,945 in base year 2024; and
- (F) \$141,738 in base year 2025 and each base year thereafter.

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

- (1) Twenty-five years after the issuance of the last Bonds issued pursuant to this act;
- (2) The date on which the Bonds are paid in full or are defeased and are no longer outstanding; or
- (3) September 30, 2025 if no Bonds are issued.

Sec. 5. Class A Bond authorization.

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

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

Sec. 6. Class B Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Class B Bonds in an aggregate principal amount not to exceed \$45.8 million, less the issued gross Class A Bond amount, to reimburse Development Costs of the Project and financing costs incurred by the District and to fund capitalized interest and required reserves. The Class B Bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 7(b).

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

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

ENROLLED ORIGINAL

Sec. 7. Payment and security.

(a) For the Class A Bonds:

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

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

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

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

(b) For the Class B Bonds:

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

ENROLLED ORIGINAL

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

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

(B) Any reasonable reserves required by the District.

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

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

Sec. 8. Bond details.

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

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

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

(1) A pledge made and security interest created in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the

ENROLLED ORIGINAL

security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

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

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

Sec. 9. Issuance of the bonds.

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

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

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

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

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

Sec. 10. Financing and Closing Documents.

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

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

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

ENROLLED ORIGINAL

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

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

Sec. 11. Limited liability.

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

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

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

Sec. 12. District officials.

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

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

ENROLLED ORIGINAL

Sec. 13. Maintenance of documents.

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

Sec. 14. Information reporting.

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

Sec. 15. Expiration of issuance authority.

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

(b) The authority to issue the Class B Bonds shall expire on September 30, 2030; provided, however, that the expiration of the authority shall have no effect on any Class B Bonds issued prior to the expiration date.

Sec. 16. Fiscal impact statement.

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

Sec. 17. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
August 10, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-493

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 28, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to provide protections to District residents and businesses, expand the authority of the Mayor, and ensure continuity of government during the current public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Support Second Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The purpose of the underlying emergency measure (“second congressional review emergency act”) is to provide for the health, safety, and welfare of District residents and for support to businesses during the coronavirus public health emergency, and for other purposes. The second congressional review emergency act is nearly identical to the Coronavirus Support Temporary Amendment Act, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622) (“temporary act”).

(b) The Coronavirus Support Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-326; 67 DCR 7045), expired on June 9, 2020. The Coronavirus Support Congressional Review Emergency Act of 2020, effective June 8, 2020 (D.C. Act 23-328; 67 DCR 7598), (“first congressional review emergency act”), will expire on September 6, 2020.

(c) The temporary act was adopted on second reading by the Council on June 9, 2020. However, the temporary act has not yet completed its 30-day congressional review period. The second congressional review emergency act is necessary to prevent a gap in the law given that the Council will not meet again until after the expiration of the first congressional review emergency 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 Coronavirus Support Second 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

23-500

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 28, 2020

To declare the existence of an emergency with respect to the need to amend the Tenant Opportunity to Purchase Act of 1980 (“TOPA”) to clarify that under certain limited circumstances, low-income housing tax credit redevelopment projects do not fall under the requirements of TOPA, and to require that a notice of transfer include certain material facts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Act of 2019, as introduced on January 16, 2019 (Bill 23-74, was referred to the Committee on Housing and Neighborhood Revitalization (“Committee”) on January 22, 2019, and the Committee held a public hearing on the bill on October 2, 2019. The bill was discussed at length among tenant advocates, staff at the Department of Housing and Community Development, and affordable housing providers in the District, all of whom have reached consensus on the legislation. Bill 23-74 was marked up on July 27, 2020.

(b) The Low-Income Housing Tax Credit (“LIHTC”) provides equity financing that subsidizes the acquisition, construction, and rehabilitation of affordable rental housing for low- and moderate-income tenants. Since the mid-1990s, the LIHTC program has supported the construction or rehabilitation of over 2 million affordable housing units nationally.

(c) Under LIHTC, the federal government issues tax credits to state and territorial governments. LIHTC-funded affordable housing projects must meet a gross rent test, which requires that rents do not exceed 30% of either 50 or 60% of area median income, depending upon the share of tax credit rental units in the project.

(d) LIHTC leverages the self-interest of private investors who infuse much needed capital directly into local affordable housing. A LIHTC project partnership allocates to investors 99% of the tax credits generated over a 10-year period and federal tax law requires that these investments have a compliance period of 15 years. Thereafter, the investors may withdraw from the investment and deploy their capital into new or newly renovated affordable housing.

ENROLLED ORIGINAL

(e) In the District, the LIHTC life cycle has become complicated by the District's Tenant Opportunity to Purchase Act of 1980 ("TOPA"), which requires an owner of a rental housing accommodation to give tenants an offer of sale before selling the accommodation. In most buildings, TOPA can be an important tool in preventing tenant displacement, maintaining affordable housing, promoting home ownership, and protecting the homes of tenants. However, particularly in lower income buildings, with TOPA comes a very real risk that market rate investors might successfully outmaneuver and outbid affordable housing developers and then try to buyout low- to moderate-income tenants with lucrative cash offers that appear to have short-term benefits, but in the long run usually result in tenant displacement and the loss of affordable housing.

(f) TOPA may potentially be triggered when, as required by federal LIHTC law, a new tax entity is created after 15 years when a housing provider renews LIHTC or recapitalizes in order to continue to maintain the building as affordable housing. It is at this point the continued affordability of a building is threatened if market rate investors outbid affordable housing developers, cease the affordability of the project, entice tenants to leave with cash buyouts, and then proceed to convert the building into luxury apartments.

(g) Currently, District law is unclear whether TOPA offers are required during a LIHTC renewal or similar recapitalization, as unlike in standard TOPA sales, the affordable housing accommodation remains under the control of the same entity and only new non-management investors leave or enter the new entity. The legislative history of TOPA from 40 years ago indicates that the intent of TOPA was to provide tenants an opportunity to purchase their homes when the ownership of a building actually changes, but not when the ownership effectively stays the same and only the corporate entity changes "on paper" to comply with federal LIHTC requirements.

(h) An additional complicating factor is that title insurance companies often will serve as TOPA gatekeepers by requiring documentation of compliance with TOPA as a condition of issuing title insurance covering a transaction that might appear to include elements of a TOPA sale. Because title companies by their nature are always very wary of the risk of litigation, title insurance companies prefer a bright-line test in the form of a specific statutory provision that plainly states whether a particular type of transaction falls under TOPA, or not. In the absence of near absolute clarity, it is not uncommon for title insurance companies to refuse to insure a LIHTC transaction if there is not a clear statutory exemption, even where there is little doubt that the transaction does not constitute a sale under TOPA.

(i) The resolution of this problem has become even more essential with the current public health emergency arising from the COVID-19 pandemic. Even when a clear TOPA exemption exists, prior to closing a transaction owners still must provide tenants a 90-day Notice of Transfer. The COVID-19 pandemic has further interfered with the ability of affordable housing developers to complete LIHTC deals that finance these affordable housing projects, as during the public health emergency all TOPA deadlines have been tolled.

(j) Because of all of these complications to the effective production and preservation of affordable housing in the District through LIHTC tax credits, affordable housing developers and

ENROLLED ORIGINAL

private investors in affordable housing are potentially deterred from creating and preserving affordable housing through LIHTC tax credit transactions.

(k) For example, the continued financial and physical viability of an active LIHTC affordable housing project in Ward 6 is currently jeopardized unless remedial legislation clarifying the law is passed without delay.

(l) With the passage of this emergency legislation, TOPA clarity will be provided to affordable housing developers and investors alike, and the obstacles for title insurance companies to issue title insurance and close the planned transaction will be removed. This will then make funds available for needed reinvestment and upgrades at the Ward 6 affordable housing accommodation.

(m) Emergency legislation is necessary to remedy these impasses by clarifying TOPA law in a narrow set of LIHTC and similar transactions.

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 Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-501

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 28, 2020

To declare the existence of an emergency with respect to the need to enact and amend provisions of law necessary to support the Fiscal Year 2021 budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Fiscal Year 2021 Budget Support Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The Fiscal Year 2021 Budget Support Act of 2020, passed on 2nd reading on July 28, 2020 (Enrolled version of Bill 23-760) (“Fiscal Year 2021 Budget Support Act of 2020”), contains various measures necessary to support the Fiscal Year 2021 Budget and Financial Plan.

(b) There are several time-sensitive provisions contained in the Fiscal Year 2021 Budget Support Act of 2020 that need to be in place in advance of October 1, 2020.

(c) Other provisions in the emergency bill will retain the October 1, 2020 applicability date as provided in the permanent legislation but should be enacted prior to October 1 to allow agencies and stakeholders to prepare for implementation.

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 Fiscal Year 2021 Budget Support Emergency 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**

B23-0874 Public Sector Injured Workers' Equality Amendment Act of 2020

Intro. 07-24-2020 by Councilmember Todd and referred to the Committee on Government Operations

B23-0875 Street Vending Decriminalization Amendment Act of 2020

Intro. 07-29-2020 by Councilmembers Nadeau, Todd, Bonds, Cheh, Allen, R. White, and Grosso and referred to the Committee of the Whole with comments from the Committee on Judiciary and Public Safety

B23-0876 Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square South 744S Act of 2020

Intro. 07-30-2020 by Councilmember Cheh and referred to the Committee of the Whole

B23-0877 Substantial Rehabilitation Petition Reform Amendment Act of 2020

Intro. 07-31-2020 by Councilmember Bonds and referred to the Committee on Housing and Neighborhood Revitalization

B23-0878 Voluntary Agreement Moratorium Amendment Act of 2020

Intro. 07-31-2020 by Councilmember Bonds and referred to the Committee on Housing and Neighborhood Revitalization

B23-0879 Capital Improvement Petition Reform Amendment Act of 2020

Intro. 07-31-2020 by Councilmember Bonds and referred to the Committee on Housing and Neighborhood Revitalization

B23-0880 Able Accounts for Youth in Care Amendment Act of 2020

Intro. 07-31-2020 by Councilmember Grosso and referred to the Committee on Human Services

B23-0881 Overpayment of Benefits for Youth in Care Amendment Act of 2020

Intro. 07-31-2020 by Councilmember Grosso and referred to the Committee on Human Services

B23-0882 Comprehensive Policing and Justice Reform Amendment Act of 2020

Intro. 07-31-2020 by Councilmembers Allen, Cheh, Grosso, Nadeau, Silverman, R. White, Bonds, Gray, McDuffie, Pinto, Todd, T. White, and Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

B23-0883 Omnibus Kenilworth Courts Redevelopment Act of 2020

Intro. 07-31-2020 by Councilmember Gray and referred to the Committee of the Whole

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Thursday, September 24, 2020, 12 p.m. – 6:00 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

on

Bill 23-0237, the “Rent Concession Amendment Act of 2019”

Bill 23-0530, the “Rent Stabilization Affordability Qualification Amendment Act of 2020”

Bill 23-0877, the “Substantial Rehabilitation Petition Reform Amendment Act of 2020”

Bill 23-0879, the “Capital Improvement Petition Reform Amendment Act of 2020”

Bill 23-0878, the “Voluntary Agreement Moratorium Agreement Act of 2020”

On Thursday, September 24, 2020, Councilmember Anita Bonds, Chairperson of the Committee on Housing and Neighborhood Revitalization, will hold a virtual public hearing on Bill 23-0237, Bill 23-0530, Bill 23-0877, Bill 23-0879, and Bill 23-0878. The hearing will take place via Zoom.

The purpose of Bill 23-0237, the “Rent Concession Amendment Act of 2019” is to clarify the applicability of abolishment of rent ceilings. The bill also clarifies when a rent increase may be implemented by a housing provider and defines and regulates discounted rents. Finally, the bill requires rental advertisements to include the proposed rent charged as well as surcharges.

The purpose of Bill 23-0530, the “Rent Stabilization Affordability Qualification Amendment Act of 2020” is to set income eligibility standards for renting a rent stabilized apartment. Under this bill, a unit covered under the Rent Stabilization Program may only be rented to a tenant with a monthly adjusted gross income that is less than 5 times the monthly rent charged for the unit.

The purpose of Bill 23-0877, the Substantial Rehabilitation Petition Reform Amendment Act of 2020” is to base the period of amortization (and therefore the amount of increase of a tenant’s rent)

of a capital improvement on the IRS rules for residential rental property. This change will more fairly spread out the cost of the capital improvement over more years, costing tenants less. It will also more fairly “charge” the cost to all tenants who will benefit from the capital improvement over the years.

The purpose of Bill 23-0879, the “Capital Improvement Petition Reform Amendment Act of 2020” is to change the period of amortization (and therefore the amount of increase of a tenant’s rent) of a capital improvement to that of the IRS rules for residential rental property. This replaces the current rule of 96 or 64-month amortization period.

The purpose of Bill 23-0878, the “Voluntary Agreement Moratorium Agreement Act of 2020” is to enact a 2-year moratorium on voluntary agreements. The problem with VAs is that current tenants will often cut a deal with the housing provider to not increase *their* rent, but instead, increase the rent of *future* tenants. Any increasing of future rents erodes affordability across the District, causing rents to have been increased by over 100% for many units in areas all over the city.

Persons who wish to testify are requested to either email the Committee at housing@dccouncil.us or telephone the Committee at (202) 724-8198, at least two days before the hearing and provide their name, address, telephone number, organizational affiliation and title. Each witness will receive an individual Zoom invitation for the hearing in a separate e-mail. Witnesses are encouraged to submit an electronic version of their testimony to housing@dccouncil.us. Oral testimony will be limited to 3 minutes.

All Councilmembers will receive an individual Zoom invitation for the hearing in a separate email. If a Councilmember does not have a separate link for each, please contact Nate Bell, nbell@dccouncil.us.

The hearing can also be viewed at <http://www.dccouncil.us> and <http://entertainment.dc.gov>.

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

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004 or by email at housing@dccouncil.us. The record will close at 5:00 p.m. on Thursday, October 8, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Thursday, September 17, 2020, 3:00 p.m. – 6:00 p.m.

Virtual Hearing via Zoom
To Watch Live:

<https://dccouncil.us/council-videos/>

on

Bill 23-0623, the “Condominium Warranty Claims Clarification Amendment Act of 2020”

Bill 23-0601, the “Condominium Warranty Amendment Act of 2020”

Bill 23-0568, the “Home Purchase Assistance Amendment Act of 2019”

Bill 23-0696, the “Limited Equity Cooperative Advisory Council Act of 2020”

On Thursday, September 17, 2020, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0643, Bill 23-0601, Bill 23-0568, and Bill 23-0696. The hearing will take place via Zoom.

The purpose of Bill 23-0623 is to establish a time frame and process to resolve warranty claims that arise under the act. The bill clarifies that the Mayor may refer disputed claims to the Office of Administrative Hearings, among other things.

The purpose of Bill 23-0601 is to clarify the implementation of the condominium warranty against structural defects and transfers the administration of the warranty to the Department of Consumer and Regulatory Affairs. The bill also requires DCRA to maintain an online record of the warranty security amounts and make the information searchable on the web by the public.

The purpose of Bill 23-0568 is to increase the maximum and minimum amounts of down payment assistance for Home Purchase Assistance to \$100,000 and \$30,000 respectively. The bill also provides a home repair grant of a maximum of \$15,000 and removes certain funding limitations for 203K renovation loans among other things.

The purpose of Bill 23-0696 is to establish a Limited Equity Cooperative Advisory Council to provide policy recommendations to assist District residents and the District government with improving and establishing limited equity cooperatives.

Persons who wish to testify are requested to either email the Committee at housing@dccouncil.us or telephone the Committee at (202) 724-8198, at least two days before the hearing and provide their name, address, telephone number, organizational affiliation and title. Each witness will receive an individual Zoom invitation for the hearing in a separate e-mail. Witnesses are encouraged to submit an electronic version of their testimony to housing@dccouncil.us. Oral testimony will be limited to 3 minutes.

All Councilmembers will receive an individual Zoom invitation for the hearing in a separate email. If a Councilmember does not have a separate link for each, please contact Irene Kang at ikang@dccouncil.us.

The hearing can be also be viewed at <http://www.dccouncil.us> and <http://entertainment.dc.gov>.

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

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004 or by email at housing@dccouncil.us. The record will close at 5:00 p.m. on Thursday, October 1, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

PR 23-892, Sense of the Council Woodrow High School Renaming Protocol Resolution of 2020

on

Tuesday, September 15, 2020 at 12:00 p.m.

Live via Zoom Video Conference Broadcast
Council Channel 13 (Cable Television Providers)
DC Council Website (www.dccouncil.us)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on PR 23-892 the “Sense of the Council Woodrow High School Renaming Protocol Resolution of 2020.” The hearing will be held at 12:00 p.m. on Tuesday, September 15, 2020 via a Zoom virtual hearing.

The stated purpose of **PR 23-892** is to declare the sense of the Council that the Council supports efforts to reconsider the name of Woodrow Wilson High School and, more broadly, the names of all public schools, to ensure that the individuals for whom the school buildings are named represent the mission, vision, and values of DCPS and the residents of the District, including consideration of whether the building name honors an individual who supported or enabled acts of discrimination; that DCPS should act quickly to update its school naming protocol; that DCPS should provide the Council and members of the public with information regarding when the new protocol will be finalized; and call on DCPS to convene community meetings to consider whether the name of Woodrow Wilson High School should be changed, and if so, what name should be selected.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call LeKisha Jordan, Legislative Policy Advisor, at (202) 724-8137, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, September 11, 2020. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Persons wishing to testify are encouraged, but not required, to email their written testimony to cow@dccouncil.us. If submitted by 5:00pm on September 11, 2020 the testimony will be distributed to Councilmembers before the hearing. **Witnesses should limit their testimony to three minutes; less time will be allowed if there are a large number of witnesses. The hearing will be limited to three hours.** Accordingly, the Committee may limit the number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite. 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. The record will close at 5:00 p.m. on September 29, 2020.

<p style="text-align: center;">COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF JULY 31, 2020</p>
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NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Hanson, Ella	Legislative Assistant	3	Excepted Service - Reg Appt
Hulick, Genevieve	Chief of Staff	8	Excepted Service - Reg Appt

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 23-100

FY 2020 Grant Budget Modifications as of July 15, 2020

RECEIVED: 2-day review begins August 10, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-116871
Licensee: Foxtrot Retail D.C., LLC
Trade Name: Foxtrot
License Class: Retailer's Class "B" Full-Service Grocery
Address: 650 Massachusetts Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 13, 2021 at 1:30 p.m.**

NATURE OF OPERATION

New Class "B" Full-Service Grocery.

HOURS OF OPERATION

Sunday through Saturday 7am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-116872
Licensee: Foxtrot Retail D.C., LLC
Trade Name: Foxtrot
License Class: Retailer's Class "C" Restaurant
Address: 650 Massachusetts Avenue, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 13, 2021 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant serving salads and brunch foods located inside of a Full-Service Grocery Store. Applicant is applying for a Sidewalk Café endorsement with 20 seats and a capacity of 29 patrons. Total Occupancy Load for the inside of the premises is 116 with seating for 44 patrons.

HOURS OF OPERATION (INSIDE PREMISES & SIDEWALK CAFE)

Sunday through Saturday 7am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES & SIDEWALK CAFE)

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-117015
Licensee: FHG77 LLC
Trade Name: Menya Hosaki
License Class: Retailer's Class "D" Restaurant
Address: 845 Upshur Street, N.W.
Contact: Gregory Y. Lee, Esq.: (703) 288-1515

WARD 4

ANC 4C

SMD 4C07

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on January 13, 2021 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer's Class D Restaurant with a seating capacity of 49 and Total Occupancy Load of 49.

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

Tuesday through Saturday 11am - 10pm, Closed Sundays and Mondays

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **August 14, 2020
Protest Petition Deadline: **October 19, 2020
Roll Call Hearing Date: **November 2, 2020

License No.: ABRA-116352
Licensee: Somtam Holdings 1 LLC
Trade Name: SOMTAM
License Class: Retailer’s Class “C” Restaurant
Address: 1309 5th Street, N.E.
Contact: Kwiince Lipscomb: (310) 906-8669

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to change the hours of operation and alcoholic beverage sales, service, and consumption.

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

Sunday through Thursday 11am – 8pm, Friday and Saturday 11am – 12am

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

Sunday through Saturday 9am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **July 31, 2020
Protest Petition Deadline: **October 5, 2020
Roll Call Hearing Date: **October 19, 2020

License No.: ABRA-116352
Licensee: Somtam Holdings 1 LLC
Trade Name: SOMTAM
License Class: Retailer’s Class “C” Restaurant
Address: 1309 5th Street, N.E.
Contact: Kwiince Lipscomb: (310) 906-8669

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **October 19, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to change the hours of operation and alcoholic beverage sales, service, and consumption.

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

Sunday through Thursday 11am – 8pm, Friday and Saturday 11am – 12am

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

Sunday through Saturday 9am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **August 14, 2020
Protest Petition Deadline: **October 19, 2020
Roll Call Hearing Date: **November 2, 2020
Protest Hearing Date: **January 13, 2021

License No.: ABRA-116925
Licensee: GothWine Limited Liability Company
Trade Name: TBD
License Class: Retailer’s Class “C” Restaurant
Address: 2622 P Street, N.W.
Contact: Elizabeth Benchimol: (415) 370-5224

WARD 2

ANC 2E

SMD 2E06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****January 13, 2021 4:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 85 and Total Occupancy Load of 150. Summer Garden with 32 seats.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 6am – 1am

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

Sunday through Saturday 11am – 1am

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Saturday 6am – 12am

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

Sunday through Saturday 11am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **July 31, 2020
Protest Petition Deadline: **October 5, 2020
Roll Call Hearing Date: **October 19, 2020
Protest Hearing Date: **January 6, 2021

License No.: ABRA-116925
Licensee: GothWine Limited Liability Company
Trade Name: TBD
License Class: Retailer’s Class “C” Restaurant
Address: 2622 P Street, N.W.
Contact: Elizabeth Benchimol: (415) 370-5224

WARD 2

ANC 2E

SMD 2E06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **October 19, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on ****January 6, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 85 and Total Occupancy Load of 150. Summer Garden with 32 seats.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 6am – 1am

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

Sunday through Saturday 11am – 1am

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Saturday 6am – 12am

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

Sunday through Saturday 11am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-117012
Licensee: Sangria Bar and Grill, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 3539 Georgia Avenue, N.W.
Contact: Marvin Rosales: (202) 557-9187

WARD 1

ANC 1A

SMD 1A08

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 13, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new class C Restaurant serving Mexican cuisine. Seating capacity of 35, with a Total Occupancy Load of 75 and a Sidewalk Café with 10 seats. The License will include Entertainment, Dancing and Cover Charge indoors only.

HOURS OF OPERATION INSIDE OF THE PREMISES

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

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

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

HOURS OF OPERATION FOR THE OUTDOOR SIDEWALK CAFÉ

Sunday through Saturday 7am – 11pm

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

Sunday through Saturday 11am – 11pm

HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

Sunday through Thursday 7pm – 2am, Friday and Saturday 7pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-116841
Licensee: Wegmans Food Markets, Inc.
Trade Name: Wegmans
License Class: Retailer's Class "A" Liquor Store
Address: 41 Ridge Square, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 3

ANC 3C

SMD 3C06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on January 13, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class A Liquor Store with a Tasting Permit.

HOURS OF OPERATION

Sunday through Saturday 6am - 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-116997
Licensee: Wonder Mart, LLC
Trade Name: Wonder Mart
License Class: Retailer's Class "B" Beer and Wine Retailer
Address: 2743 Martin Luther King Jr. Avenue, S.E.
Contact: Adanech Gebremeskel: (240) 491-1145

WARD 8

ANC 8C

SMD 8C02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 13, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A New Retailer Class "B" Beer and Wine Retailer.

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

Sunday through Saturday 9am – 12am

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

NOTICE OF PUBLIC HEARING

COMMISSIONER KARIMA M. WOODS
ANNOUNCES A VIRTUAL PUBLIC HEARING
on
2021 PROPOSED HEALTH INSURANCE RATES

Tuesday September 1, 2020

5:00 p.m.

Access Link: <https://bit.ly/2021ratehearing>

Karima M. Woods, Commissioner of the Department of Insurance, Securities and Banking (Department), hereby gives notice of the Department's intent to conduct a public hearing on the results of its actuarial review of the 2021 proposed health insurance rates for individual and small group health benefits plans sold in the District of Columbia. The Department will receive testimony from the public before the Department makes a final determination on the proposed rates. The hearing will be virtual (see link above) and held at 5:00 p.m. on Tuesday September 1, 2020.

The Department invites the public to testify or submit written testimony. Any person or organization wishing to testify at the hearing should contact the Department via email at HealthRate.Comments@dc.gov or at 202-442-8571 by 5:00 p.m. on Thursday, August 27, 2020 to have their names added to the witness list. Each witness should provide his or her name, telephone number, email address (if any), organizational affiliation (if any) and title (if any). Written statements should be sent no later than 5 p.m. on Friday August 28, 2020 to the email address above.

If a party or witness is deaf, has a hearing impairment, or otherwise cannot readily understand or communicate in English, the party may apply to the Department for the appointment of a qualified interpreter at the hearing. In addition, if any hearing attendee requires other special accommodations, he or she should contact the Department at Howard.Liebers@dc.gov or (202) 442-8571 by 5:00 p.m. on Thursday, August 27, 2020.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: Monday, November 2, 2020, @ 4:00 p.m.
WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-15 (Office of Planning - Text Amendment to Subtitle C for Green Area Ratio Requirements for Certified Landscape Expert Requirements)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 17, 2020, the Office of Planning (“OP”) filed a petition to the Zoning Commission (the “Commission”) proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

Subtitle C, General Rules

Chapter 6, Green Area Ratio

§ 604.2 – to recognize D.C.-certified landscape architects as “Certified Landscape Experts” and limit recognition of Maryland- and Virginia-certified landscape architects until September 1, 2021

At its July 27, 2020, public meeting, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The complete record in the case, including the OP Setdown Report and transcript of the public hearing, 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>.

PROPOSED TEXT AMENDMENT

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).

Proposed Amendment to Subtitle C, GENERAL RULES

Subsection 604.2 of § 604, SUBMITTAL REQUIREMENTS FOR GREEN AREA RATIO, of Chapter 6, GREEN AREA RATIO, of Subtitle C, GENERAL RULES, is proposed to be reorganized in alphabetical order to read as follows:

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. 3, *How to participate as a witness – written statements.*)

604.2 For the purposes of this section, the term “Certified Landscape Expert” means a person who is a:

- (a) ~~Commonwealth of Virginia certified~~ District of Columbia licensed landscape architect;
- ~~(b) State of Maryland certified landscape architect;~~
- ~~(c)~~ (b) International Society of Arboriculture Certified Arborist;
- ~~(d)~~ (c) ~~Maryland’s certified~~ Maryland Certified Professional Horticulturist; ~~or~~
- ~~(e)~~ (d) Landscape Contractors Association MD-DC-VA ~~Certified~~ Landscape Industry Certified Technician; or
- (e) Until September 1, 2021, landscape architects licensed by either the Commonwealth of Virginia or the State of Maryland.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking.

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. Organizations 5 minutes each
- 2. Individuals 3 minutes each

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.

“Great weight” to written report of ANC

Subtitle Z § 505.1 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 § 505.2, 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 A. SHAPIRO, PETER G. MAY, 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.

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.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý 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.

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Thursday, October 19, 2020, @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

**Z.C. Case No. 20-16 (Office of Planning– Zoning Map Amendment from ARTS-2 to ARTS-4
@ Square 442, Lot 106)**

THIS CASE IS OF INTEREST TO ANC 6E

On July 17, 2020, the Office of Planning (“OP”) filed a report that served as a petition (the “OP Report”) requesting the Zoning Commission (the “Commission”) approve a proposed amendment of the Zoning Map (the “Map Amendment”) for Lot 106 in Square 442 (the “Property”), from the current ARTS-2 zone to the ARTS-4 zone.

The Property consists of approximately 15,317 square feet on the northeast corner of the intersection of 7th Street and Rhode Island Avenue, N.W. To the north is a multifamily building in the ARTS-2 zone; to the east are a vacant property and row dwellings in the RF-1 zone and a multifamily residential building developed as a PUD under the C-2-B zone; to the south across Rhode Island Avenue are row dwellings in the RF-1 zone and an apartment building in the MU-4 zone; to the southwest is the Shaw Library in the MU-5A and RA-2 zones; and to the west is an the Shaw-Howard University Metro Station entrance and an apartment building in the ARTS-2 zone. The area is characterized by a mixture of row dwellings, apartments, small retail and institutional uses.

The Generalized Policy Map (“GPM”) of the Comprehensive Plan (“CP”) designates the Property as a Main Street Mixed Use Corridor, which the CP’s Framework Element² defines as traditional commercial business corridors with a pedestrian-oriented environment with traditional storefronts with upper story residential office uses. Redevelopment of these corridors should foster economic and housing opportunities, serve neighborhood needs, support transit use, and enhance the pedestrian environment.

The CP’s Future Land Use Map (“FLUM”) designates the Property for Mixed-Use Medium-Density Residential/Medium-Density Commercial. The CP’s Framework Element defines Medium-Density Residential as including neighborhoods with mid-rise (4-7 stories) apartment buildings as the predominant use, with some taller residential buildings surrounded by large areas

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. 3, *How to participate as a witness – written statements.*)

² Although the OP Report referred to the “amended” Framework Element adopted by the Council and signed by the Mayor (A23-0217), this is not yet in effect, and so the current Framework Element applies to the Map Amendment until the amended Framework Element completes the Congressional Review Period (anticipated on September 24, 2020, prior to any final action on the Map Amendment). All references herein to the Framework Element are to the current, not the amended, Framework Element.

of permanent open space, with the RA-2 and RA-3 zones specifically identified as generally consistent zones, although other zones may apply. The CP's Framework Element defines Medium-Density Commercial as for retail, office, and service businesses with buildings that generally do not exceed eight stories in height, with the ARTS-2 and MU-6 through MU-8 zones specifically identified as corresponding consistent, although other districts may apply.

The Property's current ARTS-2 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development. The ARTS-2 zone permits a maximum building height of 65 feet (70 feet for Inclusionary Zoning ("IZ") developments); a maximum 3.5 floor area ratio ("FAR") (4.2 for IZ developments), of which a maximum 1.5 FAR may be devoted to non-residential uses; and a maximum lot occupancy of 60% (80% for IZ developments) for residential uses or 100% for non-residential uses.

The ARTS-4 zone proposed for the Property is intended to permit medium- to high-density, mixed-use development, with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions. The ARTS-4 zone permits a maximum building height of 90 feet (100 feet for IZ developments), with buildings above 65 feet subject to a one-to-one setback from property lines abutting a residential zone; a maximum 6.0 FAR (7.2 for IZ developments), of which a maximum 3.0 FAR may be devoted to non-residential uses; and a maximum lot occupancy of 75% (80% for IZ developments) for residential uses or 100% for non-residential uses.

The OP Report asserted that the Map Amendment is not inconsistent with the CP because the increased height and density allowed under the proposed ARTS-4 zoning would enable additional residential units and affordable housing and generate additional pedestrian traffic that would provide additional support ground floor retail and transit use of the adjacent Metro station. The OP Report cited multiple CP Policies, as well as the two Small Area Plans applicable to the Property, that recommended mixed-use residential buildings with ground floor retail and service uses, as did the GPM and FLUM designations. The OP Report noted that the density and height of the proposed ARTS-4 zone are consistent with those of the MU-6 zone, which the Framework Element specifically identifies as corresponding to the Medium-Density Commercial designation.

At its July 27, 2020, public meeting, the Commission heard testimony from OP in support of Map Amendment and voted to set it down for a public hearing.

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as 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.

The complete record in the case, including the OP Setdown Report and transcript of the November 18, 2019, public meeting, 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>.

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. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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.

“Great weight” to written report of ANC

Subtitle Z § 505.1 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.

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.

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, October 26, 2020 @ 4:00 p.m.**
**WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 20-18 (1319 South Capitol Owner, LLC – Design Review of Buildings and Structures on South Capitol Street @ Square 653, Lots 14, 15, 53, 54, 60-64, 68, 70, 810, 811, and 831 [1319 South Capitol Street, S.W.]

THIS CASE IS OF INTEREST TO ANC 6D

1319 South Capitol Owner, LLC, filed an application (the “Application”) on July 24, 2020, pursuant to the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations, to which all references are made unless otherwise specified) requesting that the Zoning Commission of the District of Columbia (the “Commission”) grant design review approval pursuant to Subtitle K § 512 and Subtitle X, Chapter 6 for a residential development on Lots 14, 15, 53, 54, 60-64, 68, 70, 810, 811, and 831 in Square 653 (the “Property”) with a street address of 1319 South Capitol Street, S.W.

The Property consists of approximately 37,453 square feet of land area in Ward 6. The Property is bounded on the east by South Capitol Street and private rowhouses, on the south by a large apartment building, on the west by an alley and a residential community, and on the north by N Street. The Property is currently improved with a large surface parking lot and eight (8) rowhouses. The Property is located in the CG-2 Zone.

The Application proposes to incorporate construct six of the Property’s existing rowhouses into a new eleven- (11) story building containing approximately 302 residential units (the “Project”). The Project will have a floor area ratio (“FAR”) of 7.2, a maximum lot occupancy of 70%, and a maximum building height of 110 feet. The Project will provide approximately 180 vehicular parking spaces, approximately 100-107 long term bicycle parking spaces, and loading facilities and is designed to meet or exceed LEED v.4 Silver for New Construction.

The Application requests flexibility pursuant to Subtitle X § 603 from the following requirements of the Zoning Regulations to accommodate the Project’s design:

- The minimum rear yard requirements of Subtitle K § 502.7;
- The minimum court dimension requirements of Subtitle K § 502.9; and
- The required South Capitol Street setback of Subtitle K § 510.1(b)(1).

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 virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4, 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.

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>. This form may also be obtained from OZ at the address stated below.

“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.

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DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption of an amendment to Section 910, entitled “Medicaid-Reimbursable Telemedicine Services,” of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This rule finalizes changes to the standards governing Medicaid reimbursement of health services provided via telemedicine to allow the District to ensure the accessibility of services to Medicaid. DHCF is finalizing policy changes, initially proposed to maintain accessibility of services for beneficiaries in response to the coronavirus disease (COVID-19) public health emergency, that will allow services to be provided through telemedicine in a beneficiary’s home, establish the requirements for technology to home-related telemedicine services, and make changes necessary to ensure that this service modality is available to Medicaid managed care beneficiaries.

DHCF is adding the beneficiary’s home as the originating site. Providing a service delivery pathway for telemedicine services in a beneficiary’s home will help ensure beneficiaries continue to receive health services, even if they are unable to access traditional in-person Medicaid services because of their health condition or ability to travel. DHCF is removing the reference to “fee-for-service” in Subsection 910.1 because the standards set forth in this section, and any corresponding requirements set forth under the terms of the managed care contract, also apply to minimum program requirements implemented under District Medicaid managed care program. Finally, DHCF is proposing clarification that distant site providers are responsible for ensuring that technology in use meets the standard of care when the beneficiary’s home is the originating site.

To this end, the rule finalizes three specific amendments: (1) the addition of a beneficiary’s home as an originating site in Subsection 910.7; (2) the removal of the reference to the fee-for-service program in Subsection 910.1; and (3) a clarification in new Subsection 910.30 that when the originating site is the beneficiary’s home that the distant site provider is responsible for ensuring that the technology in use meets the minimum requirements set forth in Subsection 910.3.

DHCF anticipates that most beneficiaries will access services provided via telemedicine using a smartphone or other consumer electronic devices. Most smartphones or tablets operating on either of the major cellular networks meet the video quality and latency requirements set forth in this section. Importantly, providers should note that the addition of the home as an originating site does not alter patient consent requirements set forth in this section, nor does it alter the ongoing requirement that care be delivered in a manner that is compliant with the Health

Insurance Portability and Accountability Act of 1996 (HIPAA), effective August 21, 1996 (104 Pub.L. 191; 110 Stat. 1936) and other applicable laws. DHCF reserves the authority to provide additional guidance to support HIPAA compliance in the telemedicine context as needed. Any guidance will be made available on the DHCF website at www.dhcf.dc.gov.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 20, 2020 at 67 DCR 003293. DHCF received seven (7) sets of comments from stakeholders including the District of Columbia Behavioral Health Association (DCBHA), District of Columbia Primary Care Association (DCPCA), Unity Health Care (Unity), Castle Hill Consulting (CHC), Whitman Walker Health (Whitman), Community of Hope (COH), and Georgetown Public Affairs. Based on careful review of the comments, DHCF is recommending technical changes to the rule, as discussed below.

Home as the Originating Site

The majority of commenters, including DCBHA, DCPCA, Unity, CHC, Whitman, and COH, wrote to communicate support of the addition of the home as the originating site and advocate for the change to be adopted on a permanent basis.

DHCF agrees with the recommendation of stakeholders and adopts the beneficiary's home as an originating site on a permanent basis. DHCF is also proposing technical changes to Subsection 910.7 to clarify intent. DHCF is adding language to state that both the providers and settings set forth in Subsection 910.7 are eligible originating sites.

Audio-Only Services via Telemedicine

On March 19, 2020, DHCF Transmittal #20-08 clarified that during the period of the public health emergency, DHCF would reimburse for audio-only telemedicine services. A number of commenters, including DCBHA, wrote to recommend that DHCF pursue a legislative amendment, allowing coverage of services provided via telemedicine to permit provision of services via audio-only engagements on a permanent basis.

DHCF provides coverage of services provided via telemedicine in accordance with the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861 (2013 Repl.)). The authorizing legislation defines telehealth as the delivery of health care services through the use of interactive audio, video, or other electronic media used for the purpose of diagnosis consultation or treatment. Coverage of services provided via audio-only telephones, electronic mail messages, or facsimile transmissions is explicitly excluded. Under the Mayor's emergency authority, in accordance with Section 5 of the District of Columbia Public Health Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304 (2018 Repl.)), DHCF has waived these provisions because there is a public health interest during the public health emergency. DHCF is unable to adopt changes to this rulemaking allowing reimbursement of audio-only telemedicine services on a permanent basis in the absence of legislative amendment. Therefore, DHCF is not proposing additional changes at this time through this rulemaking.

Recordkeeping

Subsection 910.19 requires providers to keep records related to services provided to Medicaid beneficiaries for a period of ten (10) years. DCBHA commented that DHCF should require recordkeeping consistent with the licensing or certification requirements elsewhere in District regulation for the types of providers offering services under the telemedicine rulemaking. DCBHA made specific reference to the Department of Behavioral Health's (DBH) recordkeeping requirements.

DHCF does not adopt this recommendation. As the District's single state Medicaid agency, DHCF is subject to federal Medicaid requirements regarding recordkeeping, which require a ten (10) year timeframe for some organizations to keep records. Given these federal requirements, DHCF does not have the discretion to reduce recordkeeping requirements for Medicaid providers that provide services. Of note, the DBH is proposing updates to its certification requirements to align with DHCF's ten (10) year record retention requirement. DHCF is not proposing further amendments at this time.

Adopting Clarifications in DHCF Telemedicine Guidance to the Rule

DCBHA recommended that DHCF adopt a number of clarifications DHCF made in March 2020 telemedicine guidance published to the website at <https://dhcf.dc.gov/page/telemedicine>. These proposed clarifications are outlined below:

Designees in Attendance During Provision of Services via Telemedicine

DCBHA recommended modification to Subsection 910.16 to clarify the expectation that "an originating site provider or its designee shall be in attendance during the patient's medical encounter" does not apply "unless clinically indicated."

DHCF is not adopting the recommended changes to Subsection 910.16 because they are not necessary. As drafted, Subsection 910.16 is clear that the presence of assisting staff is only required when clinically indicated. For this reason, DHCF is not proposing further amendments at this time.

Written Consent

In its March 2020 guidance, DHCF clarified that "[a] provider shall document the beneficiary's consent to receive telemedicine services in writing. Written consent includes any method that documents in writing the beneficiary's agreement to receive the service via telemedicine, including but not limited to an e-mail, text message, or signed PDF. In emergency circumstances, a detailed service note that describes the beneficiary's consent and the reasons why a separate written consent was not available at the time of the service is acceptable." DCBHA recommended that the language should be added to Subsection 910.5(c), to allow providers to include a detailed service note, even without emergency circumstances, particularly to support use of beneficiary homes as originating sites.

Subsection 910.5(c) currently requires that a beneficiary provide written consent to receive telemedicine services in lieu of in-person healthcare services, consistent with all applicable District laws.

DHCF is not adopting this recommendation. As clarified in guidance, providers have a number of options to demonstrate the beneficiary's consent to receive services via telemedicine. DHCF believes the beneficiary's privacy interests and right to be informed of their care options overcomes any administrative burden to providers in securing written consent to receive services via telemedicine. Subsection 910.5(c) is consistent with DHCF telemedicine guidance, so no additional changes are proposed at this time. Following the public health emergency, providers will be required to receive written consent from beneficiaries, at all times, prior to delivering services via telemedicine.

Distant Site Provider Staff Working Remotely

In March 2020 guidance, DHCF clarified that personnel delivering telemedicine services may work remotely, at the discretion of rendering providers, as long as all other requirements in this section are met. DCBHA wrote to recommend formal adoption of this clarification into the rulemaking by amending Subsections 910.4 or 910.8.

DHCF agrees with DCBHA's recommendation. DHCF is proposing a technical amendment to Subsection 910.8 to clarify that distant site providers includes any provider staff who are working remotely.

Applicability to Other Licensed/Certified Medicaid Providers

DCBHA requested that DHCF add language to Subsection 910.8 clarifying that Psychologists and Other Licensed Professionals newly eligible to provide Medicaid services through the District's 1115 Behavioral Health Transformation are also eligible distant site providers.

DHCF agrees with DCBHA's recommendation. DHCF's intent, as communicated in March 2020 guidance, is to reimburse for Medicaid covered services to the same extent those services can be delivered via telemedicine, while still meeting the standard of care. DHCF expects that the types of providers reimbursed, and the types of coverage offered under the District of Columbia Medicaid State Plan or waiver thereof, will continue to expand. With this in mind, DHCF is proposing technical changes to Subsection 910.8 to clarify that the distant provider sites listed under Subsection 910.8 is non-exhaustive and that services provided via telemedicine by other Medicaid providers is reimbursable.

Remote Patient Monitoring

Georgetown Public Affairs advocated in its comments for DHCF to cover remote patient monitoring for the period of the public health emergency. Georgetown Public Affairs' suggested model for adoption was based on Maryland Medicaid's coverage of remote patient monitoring services. Georgetown Public Affairs reasoned that a robust remote patient monitoring program is part of the solution to the addressing any surge in need for hospital treatment related to COVID-

19. Specifically, the commenter added that managing beneficiaries safely in their homes would decrease emergency room visits and acute hospital bed utilization.

Remote patient monitoring would require additional changes to the District's State Plan and is not possible under our current authority. For this reason, DHCF is declining to adopt coverage of remote patient monitoring at this time.

The Director adopted these rules as final on July 29, 2020 and they shall become effective on the date of publication of this rulemaking in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 910, MEDICAID-REIMBURSABLE TELEMEDICINE SERVICES, is amended as follows:

Subsection 910.1 is amended to read as follows:

910.1 The purpose of this section is to establish the Department of Health Care Finance (DHCF) standards governing eligibility for Medicaid beneficiaries receiving healthcare services via telemedicine under the Medicaid program, and to establish conditions of participation for providers who deliver healthcare services to Medicaid beneficiaries via telemedicine.

Subsection 910.7 is amended to read as follows:

910.7 An originating site shall include the following provider types and settings:

- (a) Hospital;
- (b) Nursing Facility;
- (c) Federally Qualified Health Center (FQHC);
- (d) Clinic;
- (e) Physician Group/Office;
- (f) Nurse Practitioner Group/Office;
- (g) District of Columbia Public Schools (DCPS);
- (h) District of Columbia Public Charter Schools (DCPCS);
- (i) Mental Health Rehabilitation Service (MHRS) provider, Adult Substance Abuse Rehabilitation Service (ASARS) provider, and Adolescent

Substance Abuse Treatment Expansion Program (ASTEP) provider certified by the Department of Behavioral Health (DBH) and eligible to provide behavioral health services set forth under the District of Columbia Medicaid State Plan (State Plan); and

- (j) Effective March 12, 2020, the beneficiary's home or other settings identified in guidance published on the DHCF website at dhcf.dc.gov.

Subsection 910.8 is amended to read as follows:

910.8 A distant site provider shall include, but is not limited to, the following provider types, including any distant site provider staff rendering services remotely:

- (a) Hospital;
- (b) Nursing Facility;
- (c) FQHC;
- (d) Clinic;
- (e) Physician Group/office;
- (f) Nurse Practitioner Group/Office;
- (g) DCPS;
- (h) DCPCS; and
- (i) MHRS provider, ASARS provider, and ASTEP provider certified by DBH and eligible to provide behavioral health services set forth under the State Plan.

Subsection 910.30 is amended to read as follows:

910.30 When a beneficiary's home is the originating site, the distant site provider shall ensure the technology in use meets the minimum requirements set forth in Subsection 910.13.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Sections 6, 7, and 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121, 1125; D.C. Official Code §§ 50-2201.03, 50-1401.01, and 50-1401.03 (2014 Repl.)), Mayor’s Order 1975-54, dated March 7, 1975, and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the adoption of the following amendments to Chapter 1 (Issuance of Learner Permits, Provisional Permits, or Driver Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The rulemaking allows a residency document received pursuant to the Address Confidentiality Program to be submitted in lieu of other documents in order to obtain a driver license, provisional permit, learner permit or identification card.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on January 10, 2020 at 67 DCR 000219. No comments were received. No changes were made to the text of the proposed rules. These rules were adopted as final on February 10, 2020 and will become effective on the date of publication of this notice in the *D.C. Register*.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 1, ISSUANCE OF LEARNER PERMITS, PROVISIONAL PERMITS, OR DRIVER LICENSES, is amended as follows:

Section 103, APPLICATION FOR A DRIVER LICENSE, LEARNER PERMIT, OR PROVISIONAL PERMIT, is amended as follows:

Subsection 103.4 is amended by adding a paragraph (d)(13) as follows:

103.4 Each applicant shall provide, as applicable, the documents set forth below in order to establish identity, date of birth, lawful status in the United States, social security number and address of principal residence as follows:

...

- (d) To establish District of Columbia residency, an applicant shall submit an original of two of the documents set forth in (1)-(8), except as set forth in (9)-(13). The address on the documents shall match the address on the application.

...

- (13) Documentation and a form approved by the Department of Motor Vehicles and received pursuant to the Address Confidentiality Program authorized by the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code §§ 4-555.01-4-555.12).

Section 114, LIMITED PURPOSE DRIVER LICENSE, LEARNER PERMIT, PROVISIONAL PERMIT, OR IDENTIFICATION CARD, is amended as follows:

Subsection 114.5 is amended by adding a paragraph (m), so that the subsection reads as follows:

114.5 Except as stated otherwise, each applicant shall provide two of the documents set forth below in order to establish present residency:

...

- (m) Documentation and a form approved by the Department of Motor Vehicles and received pursuant to the Address Confidentiality Program authorized by the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code §§ 4.555.01 – 4.555.12). An applicant whose submission is accepted under this provision is not required to comply with § 114.6.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**RM9-2020-03, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the D.C. Official Code,¹ of its final action to adopt amendments to Chapter 9 (Net Energy Metering) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. The rulemaking will incrementally increase the allowable generation threshold for net metering facilities and address how credits related to excess generation should be accounted for individual behind-the-meter generators in Subsections 901.2, 902.3, and 903.5 in Chapter 9. The amendments in this Notice of Final Rulemaking shall be final upon publication in the *D.C. Register*.

3. On May 22, 2020, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing to increase the generation threshold beyond one hundred percent (100%) of the customer's historical usage for eligible individual behind-the-meter generators.² The NOPR proposed to add Subsection 901.2 which allows an incremental increase of the generation threshold by twenty percent (20%) annually, starting in 2020 until the generation threshold reaches two hundred percent (200%) in 2024. Furthermore, Subsections 902.3 and 903.5 were amended to memorialize recommendations from a Commission-created working group on how payment to the customer should be handled for excess generation from an eligible behind-the-meter generator. The billing account of the facility will have a rolling monthly kWh credit for excess generation. Any monthly excess generation, used to offset usage in a following month, will be calculated at the full retail rate. Furthermore, any total remaining excess kWh at the end of the billing calendar year will be calculated at the generation rate only. Lastly, total remaining excess kWh at the end of the calendar year that amounts to greater than twenty-five dollars (\$25.00) will be refunded to the customer. On June 22, 2020, the Commission received comments from Sierra Club and District residents Nichola Hayes-Allen and Judith Taylor.³

4. The Commission approved the amendments as proposed in a vote at the August 5, 2020, Open Meeting, with the amendments becoming effective upon publication in the *D.C. Register*.

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

² 67 DCR 5394-5397 (May 22, 2020).

³ RM9-2020-03, *In the Matter of 15 DCMR Chapter 9 — Net Energy Metering*, Sierra Club Comments, filed June 22, 2020; Nicola Hayes-Allen's Comments, filed June 22, 2020; Judith Taylor's Comments, filed June 22, 2020.

Chapter 9, NET ENERGY METERING, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 901, ELIGIBLE CUSTOMER-GENERATORS, is amended to read as follows:

- 901.1 Eligible customer-generators utilizing renewable resources, cogeneration, fuel cells, or microturbines may elect and shall be afforded the opportunity to participate in net energy metering. An eligible customer-generator's facility shall meet all applicable safety and performance standards established by the National Electrical Code ("NEC"), National Electrical Safety Code ("NESC"), the Institute of Electrical and Electronics Engineers ("IEEE"), Underwriters Laboratories ("UL") and any other relevant standards specified by the Commission.
- 901.2 For the purpose of net metering throughout this chapter, eligible customer-generators with net energy metering are allowed to incrementally increase its generation threshold, when filing a new or amended interconnection application, beyond one hundred percent (100%) of the customer historical twelve (12)-month usage annually as follows:
- (a) Allowable Generation Threshold Schedule:
 - (1) 120% in 2020,
 - (2) 140% in 2021,
 - (3) 160% in 2022,
 - (4) 180% in 2023, and
 - (5) 200% in 2024.
 - (b) On or before October 1, 2021, and each October 1 thereafter, if the Electric Company identifies a reliability, safety, or cost impact on the electric distribution system caused by the implementation of the Generation Threshold Schedule in Subsection (a), the Electric Company may request suspension of the increase in the following year. The Electric Company's filing should identify the specific reliability, safety, and cost impacts identified and provide a timeline for developing a plan to address those impacts. Absent such a request, the increase will take place automatically on January 1 each year. The allowable generation threshold for 2020 will become effective upon publication of these final rule amendments in the *D.C. Register*.

Section 902, NET ENERGY BILLING AND CREDITING FOR CUSTOMERS OF COMPETITIVE ENERGY SUPPLIERS, is amended to read as follows:

- 902.1 A customer that has elected net energy billing may obtain generation service from any Competitive Electricity Supplier that agrees to provide service on a net energy basis. In such circumstances, the net inflow or outflow of electricity supplied to or by the customer-generator will be billed or credited at the Competitive Electricity Supplier's energy rate specified in the agreement between the customer-generator

and the Competitive Electricity Supplier. The Competitive Electricity Supplier shall be responsible for calculating the net energy bill (or credit) amount for each billing period.

- 902.2 For customer-generators purchasing generation and transmission service from a Competitive Electricity Supplier, if the customer-generator's kilowatt-hour usage during the billing period exceeds the kilowatt-hours generated by the customer-generator during that period, the customer-generator will be billed for the net energy delivered by the Electric Company at the full retail distribution rate for distribution service. In no event shall distribution-related usage charges be applied to the kilowatt-hours generated by the customer's net metering facility.
- 902.3 For a customer-generator with an electric generating facility that has a capacity less than or equal to one hundred (100) kilowatts, if the electricity generated during the billing period by the customer-generator's facility exceeds the customer-generator's kWh usage during the billing period (excess generation), the customer generator's next monthly bill will be credited by the Electric Company for the excess generation at the full retail distribution rate. At the end of the calendar year (December), excess generation that exceeds one hundred percent (100%) of the annual consumption, will be compensated at the generation rate only, per kWh. If a credit is greater than twenty-five dollars (\$25) at the end of the calendar year, the Electric Company is directed to issue a refund to the customer. If the excess generation credit at the end of the calendar year is not greater than \$25, the remaining credit, calculated at the full retail distribution rate shall be carried over until such time as the full credit has been exhausted. In no event shall such distribution-related compensation for excess generation apply to customer-generators with electric generating facilities that have a capacity greater than 100 kilowatts.
- 902.4 Net energy billing applies only to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered through fixed amounts or over units other than kilowatt-hours, including customer and/or demand charges, as applicable.

Section 903, NET ENERGY BILLING AND CREDITING FOR SOS CUSTOMERS, is amended to read as follows:

- 903.1 This section governs the billing practices applicable to participating net energy billing customers receiving SOS generation service during a billing period. In no event shall transmission or distribution-related usage charges be applied to the kilowatt-hours generated by the customer's net metering facility.
- 903.2 If the value of the generation (generation value) used to supply the customer's usage exceeds the generation value of the electricity generated by the customer's net metering facility during the billing period, the customer-generator will be billed for

the difference between the generation value of the energy consumed and the energy supplied.

- 903.3 For a customer-generator with an electric generating facility that has a capacity less than or equal to one thousand (1,000) kilowatts, if the generator value of the electricity generated by the customer's net metering facility exceeds the generation value of the electricity used to supply the customer's usage during the billing period, the customer-generator's next bill will be credited for the difference between the generation value of the energy supplied and the energy consumed. The credit for the difference in generation value shall be expressed as a dollar value on the customer-generator's bill. If the full credit is not exhausted during the next billing period, the remaining credit shall be carried over until such time as the full credit has been exhausted.
- 903.4 If the customer's kWh usage exceeds the electricity generated by the customer's net metering facility during the billing period, the customer-generator will be billed transmission and distribution related usage charges on the net energy supplied to the customer during the billing period.
- 903.5 For a customer-generator with an electric generating facility that has a capacity less than or equal to 100 kilowatts, if the electricity generated during the billing period by the customer-generator's facility exceeds the customer-generator's kWh usage during the billing period (excess generation), the customer-generator's next monthly bill will be credited for the excess generation at the full retail rate for transmission and distribution service applicable during the billing period in which the excess generation occurred. At the end of the calendar year (December), excess generation that exceeds 100% of the annual consumption, will be compensated at the generation rate only, per kWh. If a credit is greater than \$25 at the end of the calendar year, the Electric Company is directed to issue a refund to the customer. If the excess generation credit at the end of the calendar year is not greater than \$25, the remaining credit, calculated at the full retail rate for transmission and distribution service, shall be carried over until such time as the full credit has been exhausted. In no event shall such transmission- and distribution-related compensation for excess generation apply to customer-generators with electric generating facilities that have a capacity greater than 100 kilowatts.
- 903.6 Net energy billing applies only to kilowatt-hour usage charges. Net energy billing customers are responsible for all other charges applicable to the customer's rate class and recovered through fixed amounts or over units other than kilowatt-hours, including customer, demand and/or minimum charges, as applicable.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED 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.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to adopt the following amendment to Chapter 47 (Acupuncture) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The proposed rulemaking amends Subsection 4702.7 of Chapter 47 to allow physicians who have completed three hundred (300) hours of training in acupuncture from programs approved by the American Board of Medical Acupuncture (ABMA) to be licensed as acupuncturists. This replaces the previous requirement of certification by the ABMA for which only physicians with years of experience in acupuncture are eligible.

Chapter 47, ACUPUNCTURE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Subsection 4702.7, of Section 4702, EDUCATIONAL REQUIREMENTS, is amended to read as follows:

4702.7 A physician licensed in good standing in the District of Columbia may receive a license for acupuncture if he or she has completed three hundred (300) hours of training in acupuncture from programs approved by the American Board of Medical Acupuncture. At least one hundred (100) hours must be in clinical training.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Director), pursuant to the authority set forth in § 201(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 § 48-902.01 (2014 Repl. & 2019 Supp.)), and Mayor's Order 98-49, dated April 15, 1998, hereby gives notice of her intent to adopt the following amendments to Chapter 12 (Controlled Substances Act Rules) of Title 22 (Health), Subtitle B (Public Health and Medicine), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This rulemaking will update the list of Schedule V drugs by removing Epidiolex in Subsection 1205.1(b). The removal of Epidiolex from the list of Schedule V drugs is consistent with the federal Drug Enforcement Agency's position that Epidiolex is a cannabis derivative with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis and accordingly, pursuant to the Agricultural Improvement Act of 2018 (AIA), Pub. L. 115-334, §§ 10113 and 12619, is no longer controlled by the Controlled Substances Act.

Chapter 12, CONTROLLED SUBSTANCES ACT RULES, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Section 1205, SCHEDULE V ENUMERATED, is amended as follows:

Subsection 1205.1(b) is repealed.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal, at Angli.Black@dc.gov, (202) 442-5977.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Repl.)); Section 3205 (jjj) 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 § 39-105 (2018 Repl.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2018 Repl.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; D.C. Official Code § 39-105 (2018 Repl.)); hereby gives notice of its intent to amend Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The amended rules will uphold the District of Columbia Public Library (DCPL) policy to provide and maintain a safe and secure environment in which every customer can obtain equitable access to information, expanded opportunities and an increased quality of life. The guidelines will act as rules of conduct for library customers, in order to deter and /or minimize the effect of unacceptable behavior, by defining such behavior so that individuals may conduct themselves in a manner consistent with the purpose and functions of DCPL.

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2018 Repl.), to establish rules and manage the day-to-day operations of the library. On July 22, 2020, the Board of Trustees approved the proposed new amendment(s) to replace the current DCPL regulations regarding behavior rules governing the use of the District of Columbia Public Library. The District of Columbia Public Library gives notice of intent to take rulemaking action to adopt these proposed regulations as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Subsections 810.1 through 810.6 of Section 810, BEHAVIOR RULES GOVERNING THE USE OF THE DISTRICT OF COLUMBIA PUBLIC LIBRARY, are amended to read as follows:

810.1 INTRODUCTION

The District of Columbia Public Library's (DCPL) behavior rules have three primary purposes: (1) to protect the rights and safety of all library customers, (2) to protect the rights and safety of staff members and (3) to protect the library's materials, facilities and property.

The DCPL supports the right of all customers to free and equal access to information and use of the library without discrimination, intimidation, threat of harm or invasion of privacy. DCPL is dedicated to providing friendly, courteous and respectful service and an enjoyable, clean and comfortable environment for all customers.

DCPL reserves the right to inspect a customer's belongings including purses, backpacks, bags, parcels, shopping bags, briefcases and other items to prevent unauthorized removal of library materials and equipment or for the health and safety of library staff and customers.

The Board of Library Trustees grants the Executive Director the authority to amend guidelines, regulations, policies and procedures during a State of Emergency or Public Health Emergency declared by the Mayor or when necessary to protect the health, safety and welfare of employees or the public.

810.2 DEFINITIONS AND SCOPE

These behavior rules apply to all buildings and all grounds controlled and operated by DCPL (buildings and grounds are also known as "the premises") and to all customers entering in or on the premises. Listed below are the library's behavior rules. Customers who violate these rules may be removed from the premises and excluded from all library premises for the period of time listed below, by authority of the D.C. Public Library.

810.3 ENFORCEMENT

Library staff, Library Police, and/or Metropolitan Police Department (MPD) officers may intervene to stop prohibited activities and behaviors. A violation of law may result in arrest and prosecution. Failure to comply with these rules may result in issuance of a Notice of Barring from Library property for a period of one day to five years. If a Notice of Barring is issued, it applies to all DCPL locations

and includes the suspension of DCPL privileges, including but not limited to the use of DCPL computers and other equipment. If barred, customers may have their photographs or video captured by D.C. Public Library staff to enforce the bar.

810.4 ADMINISTRATIVE REVIEW OF NOTICES OF BARRING

- (a) An individual who receives a Notice of Barring may request an administrative review if the bar is greater than seven (7) days. This request must be made within ten (10) business days of the date on the barring notice and submitted in writing to:

Director of Public Safety
 Martin Luther King Jr. Memorial Library
 901 G Street NW
 Washington, DC 20001

- (b) The Executive Director or designee will issue a final decision on the administrative review of the bar within thirty (30) calendar days. The barred individual may appeal the final decision to the District of Columbia Superior Court’s Civil Division within thirty (30) days of the date of the notice of final decision.

810.5 REASONABLE ACCOMMODATION

Library customers who wish to request a reasonable modification of these Guidelines because of a disability or health problem may contact Library staff or may call the ADA Coordinator at 202-727-1101.

810.6 BEHAVIOR RULES

For the safety and comfort of the public and staff, and to create an environment that is favorable to library operations, the following rules and consequences apply. These activities are prohibited on library premises:

- (a) Category One Rules and Consequences: Any customer, aged nine (9) and older, who violates category one rules while on library premises will be restricted from the premises until the problem is corrected. Subsequent offenses by that customer will result in that person’s immediate removal and restriction from all DCPL premises as follows:

Age	Initial	2nd Violation (within 30 days)	3rd Violation (within 30 days)	4th time (within 30 days)
9+	Leave library until problem	1 week	1 month	3 months

	corrected			
0-8	Warning and referral to caregiver.			

- (1) Being on DCPL premises with bare feet or a bare chest; shirts and footwear are required at all times.
 - (2) Being under the obvious influence of any controlled substance or intoxicating beverage.
 - (3) Bringing in bags in excess of 9" L x 14" W x 22" H. Customers are permitted to bring in two bags per person, but each bag must be smaller than 9" L x 14" W x 22" H. Items must fit easily into a measuring box of the above dimensions. Infested personal items are also prohibited. If a customer is attending a private event, bag(s) may exceed the size restrictions because host(s) is expected to provide coat and bag check service.
 - (4) Any customer with an odor that can be detected by a reasonable person from six (6) feet away and/or disturbs other library users.
 - (5) Consuming food or drink that creates a nuisance or disrupts library use because of odor, garbage or spills. Non-alcoholic beverages in covered containers and food are only allowed in designated areas.
 - (6) Lying down, sleeping, or the appearance of sleeping on the premises. Sitting customers must use library-provided seating (chair, couch, etc.). Customers may not sit on the floor, sidewalk, etc. unless approved by a library staff member and may not block aisles, exits, pathways, or entrances.
 - (7) Using personal electronics without headphones or at a volume that disturbs others.
- (b) Category Two Rules and Consequences: Any customer who violates category two rules while on library premises will be given a warning that shall remain on the customer's record for six (6) months. Subsequent offenses within a six (6) month time frame by that customer will result in that person's immediate removal and barring from all D.C. Public Library premises as follows:
- (1) Soliciting, petitioning, or distributing written materials or canvassing for political, charitable or religious purposes on the premises.

Age	Initial	2nd Violation (Within 6 months)	3rd Violation (Within 6 months)	4th Violation (Within 6 months)
18+	warning	3 months	6 months	1 year
13-17	warning	1 month	3 months	6 months
9-12	warning	1 week	2 weeks	1 month
0-8	Warning, referral to caregiver and/or Library Police or MPD.			

- (2) Using someone else’s library card to obtain library services, including public computer use, is prohibited. Each customer must use their own library card and these cards are non-transferrable; loaning your library card to another person is prohibited. Library cards used in violation of this rule will be blocked after a warning.
- (3) Placing items or personal belongings on or against buildings, furniture, equipment or fixtures in a manner that interferes with library staff or customer use of the library, or leaving personal belongings unattended.
- (4) Bringing bicycles, or other similar items inside library buildings, including, but not limited to, vestibules or covered doorways. Operating bicycles or other similar items in a reckless or inattentive manner on library premises.
- (5) Operating roller skates, skateboards, hoverboards, or other similar items in, or on, library premises.
- (6) Bringing animals inside library buildings (with the exception of service animals), except as allowed at a library- approved event, or leaving an animal tethered and unattended on library premises.
- (7) Improperly using library restrooms, including, but not limited to, bathing, shaving, washing hair, and exceeding more than one person in a restroom stall (unless accompanying children or adults in need of assistance).

- (8) Leaving one or more children eight (8) years old or under, who reasonably appear to be unsupervised or unattended, anywhere in or on library premises. [Please see Unattended Children Policy]
- (9) Customers thirteen (13) years of age and older are prohibited from using the children’s area, unless accompanying a child twelve (12) years old or younger or selecting an item from the collection.
- (10) Customers twenty (20) years of age and older and children twelve (12) years of age and younger are prohibited from using the teen area unless accompanying a teen aged thirteen (13) to nineteen (19) or selecting an item from the collection.
- (11) Customers thirteen (13) years of age and older are prohibited from using any restroom designated for children. Children’s restrooms are for the sole use of children twelve (12) years old or younger, and their caregivers.
- (12) Customers under the age of eighteen (18) who are on library property during regular school hours must provide verification of excused absence from school upon request from library staff.
- (13) Leaving mess, garbage or spills or creating mess, garbage or spills that disrupts or interferes with library use.

(c) Category Three Rules and Consequences: Any customer who violates category three rules while on library premises may first be informed of library rules. Subsequent offenses by that customer within one year will result in that person’s immediate removal and restriction from all DCPL premises as follows:

Age	Initial	2nd Violation (Within one year)	3rd Violation (Within one year)	4th Violation (Within one year)
18+	1 month	3 months	1 year	2 years
13-17	1 week	1 month	6 months	1 year
9-12	Rest of day	1 week	1 month	3 months
0-8	Warning, referral to caregiver and/or Library Police or MPD.			

- (1) Engaging in conduct that disrupts or interferes with the normal operation of the library, or disturbs library staff or customers, including but not limited to, the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior or talking. This includes all forms of harassment, including sexual harassment. Some infractions may be moved to Category Four if deemed necessary.
 - (2) Engaging in bullying as defined by the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; 59 DCR 7820 (June 29, 2012)).
 - (3) Misuse of any library property in a destructive, abusive or potentially damaging manner; or in a manner likely to cause personal injury to themselves or others.
 - (4) Failure to comply with the reasonable direction of a library staff member or law enforcement officer.
 - (5) Smoking or other use of tobacco products, including electronic cigarettes, in the library or on library property.
 - (6) Violating the library’s *Computer Use Guidelines*.
 - (7) Entering or attempting to enter DCPL premises while barred (*i.e.*, trespassing). Customers or persons returning to DCPL premises during a period of barring may be arrested and prosecuted for unlawful entry pursuant to D.C. Official Code § 22-3302 (2012 Repl.).
 - (8) Possessing, selling, distributing, or consuming any alcoholic beverage, except as allowed at a library approved event.
- (d) Category Four Rules and Consequences: Any customer who violates category four rules while on library premises will be immediately removed and restricted from all DCPL premises as follows:

Age	Each Incident
18+	1-5 years, based on severity, and the incident will be reported to the appropriate law enforcement agency.
13-17	3 months to 1 year, based on severity, and the incident will be reported to the appropriate law enforcement agency

9-12	1-6 months, based on severity, and the incident will be reported to the appropriate law enforcement agency.
0-8	Warning, referral to caregiver and/or Library Police or MPD.

- (1) Committing, or attempting to commit, any activity that would constitute a violation of any Federal or District of Columbia criminal statute, ordinance, code, or law.
- (2) Directing a specific threat of physical harm against an individual, group of individuals, or property.
- (3) Engaging in sexual conduct/activity, including, but not limited to, the physical manipulation or touching of sex organs through clothing in an act of apparent sexual stimulation or gratification.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted via e-mail at general.counsel@dc.gov or via telephone at 202-727-3771. All communications on this subject matter must refer to the above referenced title and must include the phrase “Comment to Proposed Rulemaking” in the subject line. Copies of the proposed rulemaking may be obtained by writing to the address stated above or at www.dcregs.dc.gov

DISTRICT DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 107 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.07 (2014 Repl.)) hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 30 (Adjudication and Enforcement) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rule would authorize the Department of For-Hire Vehicles to issue Notices of Infraction for moving violations.

The Director also gives notice of intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 30, ADJUDICATION AND ENFORCEMENT, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 3003, ISSUANCE OF MOVING AND NON-MOVING VIOLATIONS, is amended as follows:

Subsection 3003.1 is amended by adding a new paragraph (o) to read as follows:

3003.1 The following are empowered to issue Notices of Infraction for all moving and parking violations within their respective jurisdictions:

...

(o) The Department of For-Hire Vehicles as it relates to moving violations only.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, with David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, dmvpubliccomments@dc.gov, or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposed rulemaking may be obtained, at cost, by writing to the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**RM3-2018-01, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING ENERGY METER LOCATIONS**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.),¹ hereby gives notice of its intent to amend Section 301 of Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), commonly referred to as the Consumer Bill of Rights, to amend the notice requirement for the replacement or exchange of electric meters.

2. On May 21, 2020, the Commission approved final rules governing the replacement and relocation of energy meters.² The final rules require, among other things, a fifteen (15) days' notice requirement for the replacement of electric meters, including electric meter replacements that result in a momentary interruption of electrical service. A momentary interruption is "loss of electric service for five (5) minutes or less." Under its current practice, the Potomac Electric Power Company (Pepco) exchanges electric meters daily to correct known errors, update or replace failing equipment, or upgrade customers' meters. The meter replacement activities occur regularly and typically in areas outside of a residence, involving only company-owned equipment.

3. In this Notice of Proposed Rulemaking, the Commission amends the notice requirement in Subsection 301.1(d) to not require prior notice to a customer if an electric meter replacement results in an interruption of electric service of five (5) minutes or less. The additions are shown in **bold and underlined text**.

Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 301, LOCATION OF ENERGY SERVICE METERS AND RELATED EQUIPMENT, Subsection 301.1(d), is amended to read as follows:

301.1 Electric Meters and Equipment

.....

- (d) The Electric Utility shall provide Customers with a fifteen (15) day notice prior to replacing or relocating electric Meters located on the Customer's premises or property. No such notice is required in emergencies **and for routine meter exchanges that result in a momentary interruption of electric service of five (5) minutes or less.**

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

² RM3-2018-01, Order No. 20351, rel. May 21, 2020.

4. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, and submitted electronically on the Commission's website at https://edocket.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this rulemaking should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 55 (Enrollment and Disenrollment Requirements and Procedures for AFDC and AFDC-Related Medicaid Recipients Participating in the Medicaid Managed Care Program), and a repeal of Chapter 57 (Enrollment and Disenrollment Requirements and Procedures for Beneficiaries Eligible for the Medicaid Managed Care Program for Disabled Children and Youths) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF is the single state agency responsible for the administration of the State Medicaid program under Title XIX of the Social Security Act (the Act) and Children's Health Insurance Program under Title XXI of the Act in the District. DHCF plans to transition nearly all Medicaid beneficiaries who currently access their benefits from fee-for-service coverage to managed care over the next five (5) years and transform the managed care program to a more organized, accountable, and person-centered system that best supports the District's Medicaid beneficiaries in managing and improving their health. As a step in this transformation, DHCF will transition nearly nineteen thousand (19,000) individuals, who are not enrolled in a home- and community-based service waiver program pursuant to § 1915(c) of the Social Security Act, from Medicaid fee-for-service coverage to Medicaid managed care enrollment, effective October 1, 2020. Of these nineteen thousand (19,000) individuals, just over three (3) in four (4) are aged or disabled adults, many of whom receive Social Security Insurance benefits; the remaining individuals are non-disabled adults.

Based on DHCF analysis of District Medicaid claims and utilization data, health care costs for individuals with fee-for-service (FFS) coverage are typically nearly four (4) times greater than individuals in managed care as they tend to experience substantially higher rates of emergency room use, hospital admissions, and inpatient stays. Fee-for-service adult beneficiaries who aren't enrolled in a health home or home- and community-based services waiver program must manage their health care needs without assistance or care coordination. By joining the managed care program, this population will receive access to much needed care coordination and will have a greater opportunity for improved access and utilization of health services and health outcomes.

This proposed rulemaking amends Chapters 55 and 57 of Title 29 DCMR by outlining the new requirements for enrollment in either a managed care or FFS delivery system using the following three (3) designations consistent with federal regulations: (1) *mandatory managed care*, which means the beneficiary shall only be enrolled in a managed care organization (MCO) and receive services through the MCO in accordance with its contract with the Department; (2) *voluntary*

managed care, which means the beneficiary may choose to enroll in an MCO or to continue to receive services through an FFS delivery system; and (3) *excluded*, which means the beneficiary shall not enroll in an MCO and may only receive services through an FFS delivery system. The rule also proposes to amend outdated enrollment and disenrollment requirements and procedures that only applied to certain Medicaid eligibility groups, and incorporates updated enrollment and disenrollment procedures and requirements that apply to all Medicaid eligibility groups enrolled in managed care pursuant to Section 1932(a) of the Social Security Act (42 USC §§ 1396u-2) and supporting federal rules, 42 CFR §§ 438.54 - 438.56.

DHCF estimates that aggregate Medicaid expenditures will decrease by twenty-three million and one hundred thousand (\$23,100,00) in Fiscal Year 2021 as a result of changes proposed in this rulemaking.

These emergency and proposed rules correspond to amendments to the District of Columbia State Plan for Medical Assistance which require approval by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services (CMS). These rules shall be effective for services rendered on or after October 1, 2020, if the corresponding State Plan Amendment (SPA) has been approved by CMS with an effective date of October 1, 2020, or the effective date established by CMS in its approval of the corresponding SPA, whichever is later.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Medicaid beneficiaries who will be enrolled into a managed care delivery system. This emergency rulemaking is needed to ensure that the District can immediately act to improve access to more coordinated health services for Medicaid beneficiaries who are elderly, disabled, or have more substantial health care needs. Immediate action is especially important given the COVID-19 public health emergency, during which many of these beneficiaries have been isolated and left without access to needed care management and supports.

These emergency and proposed rules were adopted on August 5, 2020 and became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days or until December 3, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt these emergency and proposed rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Chapter 55, ENROLLMENT AND DISENROLLMENT REQUIREMENTS AND PROCEDURES FOR AFDC AND AFDC-RELATED MEDICAID RECIPIENTS PARTICIPATING IN THE MEDICAID MANAGED CARE PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is deleted in its entirety and is amended to read as follows:

**CHAPTER 55 ENROLLMENT AND DISENROLLMENT REQUIREMENTS AND
PROCEDURES FOR MEDICAID BENEFICIARIES IN THE
MEDICAID MANAGED CARE PROGRAM**

5500 GENERAL PROVISIONS

5500.1 This chapter establishes the standards and procedures under which Medicaid beneficiaries are enrolled and disenrolled from the District of Columbia (District) Medicaid Managed Care program (managed care) pursuant to section 1932a(1)(A) of the Social Security Act, and amendments thereto.

5500.2 Once the Department of Health Care Finance (the Department) and its agents or designees determines an applicant to be eligible for Medicaid in accordance with Chapter 95 of Title 29 of the District of Columbia Municipal Regulations (DCMR), the Department may determine the individual's enrollment in accordance with § 5501 of this chapter.

5501 ENROLLMENT

5501.1 The Department shall enroll certain Medicaid eligibility groups, as described in § 5501.2, into either a managed care or a fee-for-service (FFS) delivery system using one of the following three (3) designations:

- (a) *Mandatory managed care*, which means the beneficiary shall only be enrolled in a managed care organization (MCO) and receive services through the MCO in accordance with its contract with the Department;
- (b) *Voluntary managed care*, which means the beneficiary may choose to enroll in an MCO or to continue to receive services through an FFS delivery system; or
- (c) *Excluded*, which means the beneficiary shall not enroll in an MCO and may only receive services through an FFS delivery system.

5501.2 The Department shall enroll the following Medicaid eligibility groups into managed care on a mandatory basis, as described under § 5501.1(a):

- (a) Parents and other Caretaker Relatives, as described under 42 CFR § 435.110, that have household income above the amount determined in accordance with § 9506 of Title 29 DCMR;
- (b) Pregnant Women, as described under 42 CFR § 435.116 and §§ 9506.3-9506.5 of Title 29 DCMR;
- (c) Children under Age Nineteen (19) (inclusive of Deemed Newborns under 42 CFR § 435.117), as described under § 435.118, that have household income above the amount determined in accordance with § 9506 of Title 29 DCMR;

- (d) Former Foster Care Youth (under age twenty-six [26]), as described under 42 CFR § 435.150 and referenced at § 9506.8(d)(4) of Title 29 DCMR;
- (e) Individuals without a Dependent Child (Childless Adults), as described under 42 CFR § 435.119, that have household income below the amount determined in accordance with § 9506 of Title 29 DCMR;
- (f) Individuals eligible for Transitional Medical Assistance, as described under §§ 1902(a)(52), 1902(e)(1), 1925, and 1931(c)(2) of the Social Security Act (the Act); and subject to the requirements set forth under § 9510 of Title 29 DCMR;
- (g) Individuals receiving extended Medicaid due to Spousal Support Collections, as described under 42 CFR § 435.115;
- (h) Individuals receiving Supplemental Security Income (SSI) age nineteen (19) and over, as described under 42 CFR § 435.120 and pursuant to the requirements of § 9511 of Title 29 DCMR;
 - (1) Individuals receiving SSI who are age twenty-one (21) or over, as well as those individuals identified in §§ 5501.2(j), 5501.2(l), 5501.2(m) and 5501.2(p), who are enrolled in the Children and Adolescents for Supplemental Security Income Program (CASSIP) (the District's managed care program for children under age twenty-six [26] and receiving SSI) prior to October 1, 2020 may voluntarily remain in CASSIP until age twenty-six (26) or until September 30, 2021, whichever comes first; and
 - (2) Individuals age twenty-one (21) or older receiving SSI, as well as those individuals identified in §§ 5501.2(j), 5501.2(l), 5501.2(m) and 5501.2(p), who are not enrolled in CASSIP on October 1, 2020 will be mandatorily enrolled into a managed care plan other than CASSIP;
- (i) Individuals who became ineligible for cash assistance as a result of Old-Age, Survivors, and Disability Insurance (OASDI) cost-of-living increases received after April 1977, as described under 42 CFR § 435.135;
- (j) Disabled Widows and Widowers Ineligible for SSI due to an increase of OASDI, as described under 42 CFR §435.137;
- (k) Disabled Widows and Widowers Ineligible for SSI due to Early Receipt of Social Security, as described under 42 CFR § 435.138;
- (l) Working Individuals with a Disability under § 1619(b) of the Act, as described under §§ 1619(b), 1902(a)(10)(A)(i)(II), and 1905(q) of the Act;

- (m) Adult Children with a Disability, as described under § 1634(c) of the Act;
- (n) Childless Adults Under Age Sixty-Five (65) with Income Above One Hundred Thirty Three Percent (133%) of the Federal Poverty Level (FPL), as described under 42 CFR § 435.218;
- (o) Children Ages Nineteen (19) and Twenty (20), as described under 42 CFR § 435.222, and with household income above the amount determined in accordance with § 9506 of Title 29 DCMR;
- (p) Aged, Blind, or Disabled (ABD) Individuals eligible for but not receiving Cash Assistance, as described under 42 CFR §§ 435.210 and 435.230;
- (q) Optional State Supplement Payment Recipients, as described under 42 CFR § 435.232 and pursuant to the requirements set forth under § 9514 of Title 29 DCMR; and
- (r) Optional Aged or Disabled Individuals, as described under §§ 1902(a)(10)(A)(ii) (X) and 1902(m)(1) of the Act and subject to the household income and resources requirements set forth under § 9513 of Title 29 DCMR.

5501.3 The Department shall enroll the following Medicaid eligibility groups into managed care on a voluntary basis, as described under § 5501.1(b):

- (a) Title IV-E Children, as described under 42 CFR § 435.145 and § 9506 of Title 29 DCMR;
- (b) Non-Title IV-E Adoption Assistance Under Age 21, as described under 42 CFR § 435.227;
- (c) Independent Foster care Adolescents Under Age Twenty-One (21), as described under 42 CFR § 435.226;
- (d) American Indian/Alaskan Native, as described under 42 CFR § 438.14; and
- (e) Individuals who are Dual Eligible for Medicaid and Medicare, but not enrolled in the Medicare Savings Program (under §§ 1902(a)(10)(E), 1905(p), or 1905(s) of the Act) with dependent children.

5501.4 The Department shall exclude the following Medicaid eligibility groups from managed care, consistent with § 5501.1(c):

- (a) Individuals Eligible for Cash except for Institutionalized Status, as described under 42 CFR § 435.211;
- (b) Individuals Receiving Home- and Community-Based Services (HCBS) Waiver under Institutional Rules, as described under 42 CFR § 435.217 that are subject to the non-financial requirements set forth under Chapter 42 and the financial requirements set forth under Chapter 98 of Title 29 DCMR;
- (c) Individuals Participating in a Home and Community Based Service Waiver pursuant to § 1915(c) of the Social Security Act that are subject to the non-financial requirements set forth under Chapter 42 and the financial requirements set forth under Chapter 98 of Title 29 DCMR,
- (d) Individuals Participating in a PACE Program under Institutional Rules, as described under § 1934 of the Act that are subject to the requirements set forth under Chapter 88 of Title 29 DCMR;
- (e) Individuals Needing Treatment for Breast or Cervical Cancer (under age sixty-five (65)), as described under 42 CFR § 435.213 that are subject to the requirements set forth under Chapter 43 of Title 29 DCMR;
- (f) Medically Needy Eligibility Group Eligible to Spend Down, as described under 42 CFR §§ 435.301(b)(1)(i) and (iv), 435.301(b)(1)(ii), 435.308, 435.310, 435.320, 435.322, 435.324;
- (g) Medicare Savings Program, including Qualified Medicare Beneficiaries (QMBs) and Qualified Disabled Working Individuals (QDWIs), as described under §§ 1902(a)(10)(E), 1905(p), and 1905(s) of the Act;
- (h) Children Under the TEFRA/Katie Becket Eligibility Group, as described under 42 CFR § 435.145 that are subject to the requirements of § 9512 of Title 29 DCMR;
- (i) Individuals Residing in Nursing Facilities or Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID), subject to the non-financial eligibility requirements set forth under § 989 and Chapter 41 of Title 29 DCMR (respectively), and the financial eligibility requirements set forth under Chapter 98 of Title 29 DCMR;
- (j) Individuals Enrolled in Another Managed Care Plan, which may include individuals in eligibility groups described under §§ 5501.2 and 5501.3; and

- (k) Individuals Receiving Retroactive Medicaid, pursuant to the requirements of 42 CFR § 435.915 and § 9501 of Title 29 DCMR.

5501.5 For beneficiaries that are enrolled on a mandatory or voluntary basis, as described under §§ 5501.1(a)–(b), the Department shall send a notice within thirty (30) days of the Department’s determination of the beneficiary’s Medicaid eligibility informing the beneficiary of his or her enrollment status.

5501.6 For a beneficiary that is enrolled on a mandatory basis as described under § 5501.1(a), the Department shall include the following information in the notice described under § 5501.5:

- (a) The beneficiary’s right to choose to enroll in available MCOs contracted with the Department;
- (b) The timeframe for which the beneficiary may choose an MCO to enroll;
- (c) An explanation that if the beneficiary does not choose an MCO within the timeframe given under subparagraph (b), an MCO shall be auto-assigned to the beneficiary in accordance with the process described under §§ 5501.8(a)–(b); and
- (d) A list of available MCOs that are contracted with the Department.

5501.7 A beneficiary enrolled on a mandatory managed care basis shall have thirty (30) days from the date of the notice, described under § 5501.5, to select an MCO and to submit his or her selection to the Department through the following means of communication:

- (a) Over the internet;
- (b) By telephone;
- (c) By mail; or
- (d) Through other commonly available electronic means.

5501.8 If a beneficiary does not choose an MCO within the timeframe specified in § 5501.7 and is auto-assigned to an MCO in accordance with § 5501.6(c), auto-assignment shall occur in accordance with the following requirements:

- (a) The Department shall use a process where each MCO’s position in the assignment order is stored in an electronic system that remembers the next MCO in order for the purpose of automated, sequential beneficiary assignment;

- (b) The Department shall enroll all members of the same household into the same MCO as other members of the same household unless a family member has requested another MCO; and
- (c) Auto-assignment and enrollment into an MCO shall be completed within sixty (60) days of the end of the initial thirty (30) day MCO enrollment selection period identified in § 5501.6.

5501.9 On the date of the beneficiary's auto-assignment to an MCO in accordance with § 5501.8, the Department shall send an additional notice to the beneficiary that contains the following information:

- (a) An explanation that the beneficiary has been automatically enrolled into an MCO, including the name and contact information for the selected MCO; and
- (b) A description of the beneficiary's rights under auto-assignment, including to the beneficiary's right to disenrollment, as described under § 5502.

5501.10 For a beneficiary that is enrolled on a voluntary basis in accordance with § 5501.1(b), the Department shall include the following information in the notice described under § 5501.5:

- (a) The beneficiary's right to choose to enroll in an MCO or to receive services through an FFS delivery system;
- (b) The timeframe during which the beneficiary may choose to enroll in an MCO or receive services through the FFS delivery system, as described under § 5501.11;
- (c) A list of available MCOs that are contracted with the Department, including contact information and website links; and
- (d) For beneficiaries in eligibility groups described under § 5501.3(a) – (c), an explanation that if the beneficiary does not make an election within the timeframe specified in § 5501.11, the Department shall enroll the beneficiary into the FFS delivery system. For beneficiaries in eligibility groups described under §§ 5501.3(d) – (e), an explanation that if the beneficiary does not make an election within the timeframe specified in § 5501.11, the Department shall enroll the beneficiary into managed care.

5501.11 Beneficiaries enrolled on a voluntary basis (in accordance with § 5501.1(b)) shall have thirty (30) days from the date of the notice described under § 5501.5 to choose to enroll in either an MCO or receive services through an FFS delivery system and to send the selection to the Department through the following means:

- (a) Over the internet;
- (b) By telephone;
- (c) By mail; or
- (d) Through other commonly available electronic means.

- 5501.12 Except for eligibility groups described under §§ 5501.3(d) – (e), if a beneficiary does not make an election within thirty (30) days and submit his or her election to the Department in accordance with § 5501.11, the Department shall automatically enroll the beneficiary in the FFS delivery system. For eligibility groups described under §§ 5501.3(d) – (e), if the beneficiary does not elect to remain in the FFS delivery system within thirty (30) days of the notice, the Department shall automatically enroll the beneficiary in managed care, described under 5501.15. Following enrollment in managed care, the Department shall additionally provide beneficiaries in eligibility groups described under §§ 5501.3(d) – (e) an additional thirty (30) days to disenroll from managed care, as described under § 5502, and return to the FFS delivery system.
- 5501.13 If the Department approves a beneficiary’s enrollment into an MCO by the fifteenth (15th) of the month, the beneficiary’s enrollment in an MCO shall be effective on the first (1st) day of the following month.
- 5501.14 If the Department approves a beneficiary’s enrollment into an MCO care after the fifteenth (15th) of the month, the beneficiary’s enrollment in an MCO shall be effective on the first (1st) day of the second (2nd) month after the month in which the Department approves the enrollment.
- 5501.15 Beneficiaries enrolled in an MCO (either on a mandatory or voluntary basis as described under §§ 5501.1(a) or (b)) may opt to enroll in a different MCO for any reason within ninety (90) days of enrollment or during an annual open enrollment period, which shall be from November 1 through January 31 each year. Beneficiaries may also opt to enroll in a different MCO during special open enrollment periods identified by DHCF and specified in guidance published on the DHCF website. For beneficiaries in eligibility groups described under §§ 5501.3(d) – (e) who are automatically enrolled in managed care as described under § 5501.12, the beneficiary shall additionally have the option to elect to enroll in the FFS delivery system during the open enrollment period.
- 5501.16 Thirty (30) days in advance of the open enrollment period, the Department shall send a notice to all currently enrolled MCO beneficiaries to inform the beneficiary of the open enrollment period and the process and required timeframes for selection of an MCO for the upcoming plan year.

- 5501.17 If the beneficiary chooses to change the MCO in which the beneficiary is currently enrolled, in accordance with § 5501.15, the beneficiary may submit his or her new election to the Department through the following means:
- (a) Over the internet;
 - (b) By telephone;
 - (c) By mail; or
 - (d) Through other commonly available electronic means.

5502 DISENROLLMENT

- 5502.1 Eligibility groups enrolled on both a mandatory and voluntary basis (as described under §§ 5501.1(a)-(b)) shall have the right to disenroll from their MCO upon request, for the reasons described under § 5502.4 and pursuant to the requirements under 42 CFR § 438.56(c).
- 5502.2 An MCO may request beneficiary disenrollment in accordance with the requirements set forth in its contract with the Department.
- 5502.3 Except when a beneficiary's continued enrollment in the MCO seriously impairs the entity's ability to furnish services to either this particular enrollee or other enrollees, an MCO may not request disenrollment because of:
- (a) An adverse change in the enrollee's health status;
 - (b) The beneficiary's utilization of services;
 - (c) The beneficiary's diminished mental capacity; or
 - (d) The beneficiary's uncooperative or disruptive behavior resulting from his or her special needs.
- 5502.4 Disenrollment, as described under § 5502.1, shall mean the following:
- (a) For beneficiaries enrolled on a mandatory basis (as described under § 5501.1(a)), a beneficiary would no longer be enrolled in the beneficiary's current MCO, and would need to enroll or be automatically enrolled into a different MCO that is contracted with the Department; and
 - (b) For beneficiaries enrolled on a voluntary basis (as described under § 5501.1(b)), a beneficiary may elect to either receive services through the FFS delivery system or to switch enrollment to a different MCO of their choice.

5502.5 Disenrollment may occur for the following reasons:

- (a) For cause, at any time, which shall include the following:
 - (1) The beneficiary moves out of the MCO's service area;
 - (2) The plan does not, because of moral or religious objections, cover the service the beneficiary seeks;
 - (3) The beneficiary needs related services (for example, a cesarean section and a tubal ligation) to be performed at the same time; not all related services are available within the provider network; and the beneficiary's primary care provider or another provider determines that receiving the services separately would subject the enrollee to unnecessary risk;
 - (4) Other reasons, including poor quality of care, lack of access to services covered under the contract, or lack of access to providers experienced in dealing with the enrollee's care needs;
 - (5) The beneficiary needs services from a Psychiatric Residential Treatment Facility (PRTF); or
 - (6) All family members are not assigned to the same MCO and the beneficiary is requesting disenrollment to ensure family enrollment alignment; or
- (b) Without cause, at the following times:
 - (1) During the ninety (90) days following the date of the beneficiary's enrollment into the MCO, or during the ninety (90) days following the date the Department sends the beneficiary notice of that enrollment, whichever is later;
 - (2) At least once every twelve (12) months after the period described under § 5502.4(b)(1);
 - (3) Upon automatic reenrollment under 42 CFR § 438.56(g), if the loss of Medicaid eligibility for two (2) months or less has caused the beneficiary to miss the annual disenrollment opportunity; and
 - (4) When the Department imposes an intermediate sanction that suspends all new enrollment, including default enrollment, into an MCO, as described in 42 CFR § 438.702(a)(4).

5502.6 The Department must approve or disapprove disenrollment no later than the first (1st) day of the second (2nd) month following the month in which the beneficiary requests disenrollment, the MCO refers the request to the Department, or the MCO request disenrollment of the beneficiary. Upon approval of any disenrollment, the effective date of the disenrollment will be the first (1st) day of the second (2nd) month following the month in which the beneficiary requests disenrollment or the MCO refers the request to the Department.

5502.7 If the Department fails to make the determination of whether the disenrollment is approved within the timeframes specified in § 5502.6, the disenrollment shall be considered approved for the effective date that would have been established had the Department complied with § 5502.6.

5502.8 Beneficiaries who are dissatisfied with the Department's determination that there is not good cause for disenrollment shall be entitled to request a fair hearing in accordance with the requirements set forth under § 9508 of Title 29 DCMR.

5599 DEFINITIONS

5599.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

Applicant - Shall have the same meaning as set forth under Chapter 95 of Title 29 DCMR.

Beneficiary - An individual who has been determined eligible for Medicaid.

Enrollment period - A timeframe in which a beneficiary may choose an MCO to enroll (in the case of mandatorily and voluntarily enrolled beneficiaries), or to choose to receive services through a FFS delivery system (in the case of voluntarily enrolled beneficiaries).

Department - For the purposes of this chapter, the term "the Department" shall refer to the Department of Health Care Finance (DHCF) or its designee or agent.

Dependent Child - A natural or biological, adopted or step-child who is under the age of eighteen (18), or is age eighteen (18) and a full-time student in secondary school (or equivalent vocational or technical training).

Disenrollment - Discontinuation of a Medicaid beneficiary's enrollment with a specific MCO that provides Medicaid services to District Medicaid beneficiaries in accordance with the terms of a contract with the Department.

Household - Shall have the same meaning as set forth at 42 CFR § 435.603(f).

Intermediate sanction - Suspension of all new enrollment, including default enrollment, after the date the Secretary or the Department notifies the MCO of a determination of a violation of any requirement under sections 1903(m) or 1932 of the Social Security Act.

Managed Care Organization (MCO) – An entity that has a contract with DHCF to provide or make services accessible to Medicaid beneficiaries in accordance with the terms of the contract with DHCF.

Medicaid - The program established under Title XIX and Title XXI of the Social Security Act, 42 USC §§ 1396 *et seq.* and Chapter 9 of Title 29 DCMR.

Recertification– The process by which the Department re-evaluates a beneficiary’s eligibility for Medicaid, which usually occurs every twelve (12) months following the beneficiary’s initial eligibility determination for Medicaid in accordance with the requirements of Chapter 95 of Title 29 DCMR.

Chapter 57, ENROLLMENT AND DISENROLLMENT REQUIREMENTS AND PROCEDURES FOR BENEFICIARIES ELIGIBLE FOR THE MEDICAID MANAGED CARE PROGRAM FOR DISABLED CHILDREN AND YOUTHS, of Title 29 DCMR, PUBLIC WELFARE, is repealed in its entirety.

Comments on the proposed rule shall be submitted, in writing, to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, N.W., Suite 900S, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT
ANNOUNCES AUGUST 20, 2020 PUBLIC MEETING
FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT
ENHANCEMENT COMMITTEE

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee as follows:

12:30 p.m. – 2:00 p.m.
Thursday August 20, 2020
Phone Conference
Conference Line (866) 836-4385
Passcode: 5280417

For additional information, please contact:

Darryl Brantley, Financial Program Specialist
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor
Washington, DC 20002
(202) 258-3541
Darryl.Brantley@dc.gov

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the August 20, 2020, committee meeting
- III. Approval of minutes from July 16, 2020, committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. Creative Minds, PCS – Refinance of Direct Loan of \$2,000,000
- VI. Inspired Teaching Demonstration, PCS – \$1,750,000 Direct Loan

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the [public meetings calendar](#) no later than two (2) business days prior to the meeting.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC MEETING****Building Energy Performance Standard Task Force****August 4, 2020**

The Task Force meeting will be held on Tuesday August 4, 2020 from 2:30 p.m. to 4:30 p.m. The meeting will be held virtually. The final agenda and details for joining the meeting will be posted on the Department of Energy and Environment's website at <https://doee.dc.gov/service/building-energy-performance-standards>.

For additional information, please contact: Kate Johnson, Chief, Green Building & Climate Branch, at (202) 299-3355 or katherine.johnson@dc.gov.

Meeting Agenda

1. Administrative Items
2. Sub-committee update
3. Cost/Benefit Study Discussion
4. Alternative Compliance Path Criteria
5. Announcements

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC MEETING

Building Energy Performance Standard Task Force

August 18, 2020

The BEPS Task Force meeting will be held on Tuesday, August 18, 2020 from 2:30 p.m. to 4:30 p.m. The meeting will be held virtually on the bluejeans link below.

Meeting Agenda

- 1. Administrative Items
- 2. Sub-committee update
- 3. Update on draft rules
- 4. Affordable Housing update
- 5. Review of Delay of Compliance Criteria
- 6. Announcements

DOEE is only offering a remote meeting option. To join remotely:

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To join the meeting on a computer or mobile phone: <https://bluejeans.com/351253671>

Phone Dial-in: +1.408.740.7256, Meeting ID: 351 253 671

.....

For additional information, please visit the BEPS Task Force website at <https://doee.dc.gov/service/beps-task-force> or contact DOEE at info.beps@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN1700 M Street, NW
Case No. VCP2018-059

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. 1700 M Street, NW, NW. Washington, DC 20036, is SCD 1700M LLC, 1776 Wilson Blvd., Suite 250, Arlington, Virginia 22209.

The application identifies impacted soil and groundwater associated with petroleum and PCB- and SVOO-impacted fill. The redevelopment plan involves massive excavation and treatment of construction derived groundwater.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2B05) 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 fourteen (14) business 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. VCP2018-059 in any correspondence related to this application.

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

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held virtually **on Thursday, September 10, 2020 at 2:30 PM** during a webinar.

Please note in order to attend the meeting, you will have to register at the website: https://magellanhealth.zoom.us/webinar/register/WN_o_GgC08oRm6JOb3YVW7X8Q. Once you have registered you will receive an email with instructions on how to attend the webinar.

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

Alzheimer's Agents	Cytokine and CAM Antagonists
Antibiotics, GI	Fluoroquinolones, Oral
Anticonvulsants	Immunosuppressants, Oral
Antidepressants, Others	Macrolides and Ketolides
Antidepressants, SSRIs	Movement Disorders
Antifungals, Oral	Multiple Sclerosis Agents
Antifungals, Topical	Neuropathic Pain
Antiparkinson's Agents	Sedative Hypnotics
Antipsychotics	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Wednesday, September 2, 2020**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes and in addition to registering for the meeting, must send an email request to present to the attention of charlene.fairfax@dc.gov to receive confirmation as a speaker.

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

**HEALTH, DEPARTMENT OF (DC Health)
 HIV/AIDS, HEPATITIS, STD, and TB ADMINISTRATION (HAHSTA)
 NOTICE OF FUNDING AVAILABILITY (NOFA)
 RFA# HAHSTA_HRP 07.24.20
 HARM REDUCTION PROGRAM**

Amended

This notice supersedes the notice published in DC Register on July 10, 2020 Vol 67/29

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Harm Reduction Program: Transgender Health Initiatives
Funding Opportunity Number:	FO-HAHSTA-PG-00007-000
Program RFA ID#:	RFA HAHSTA_HRP 07.24.20
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration
DC Health Program Bureau	Prevention and Intervention Services Bureau
Program Contact:	Stacey Cooper 202/671-5093 (desk) 202/997-4945 Stacey, Cooper@dc.gov
Program Description:	DC Health will support harm reduction and health equity as principles that support positive health outcomes. HAHSTA is applying the philosophy of harm reduction and the Health Equity framework to promote health, wellness, and individual success. DC Health will fund one area: Service Area A: Transgender Health Initiatives
Eligible Applicants	501(c)(3) Not- for profit organizations located and licensed to conduct business in the District of Columbia.
Anticipated # of Awards:	1
Anticipated Amount Available:	Up to \$225,000
Floor Award Amount:	\$100,000
Ceiling Award Amount:	\$225,000

Funding Authorization

Legislative Authorization	DC Appropriated
Associated CFDA#	N/A

Associated Federal Award ID#	N/A
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, July 24, 2020
Pre-Application Meeting (Date)	Tuesday, July 28, 2020
Pre-Application Meeting (Time)	1:00pm-2:30pm
Pre-Application Meeting (Location/Conference Call Access)	<p>Zoom Join Zoom Meeting https://us02web.zoom.us/j/89238023755?pwd=T3JUSHB2QXRMaC9rRG1HTIB6QzBFZz09 Meeting ID: 892 3802 3755 Password: 300749 One tap mobile +13017158592,89238023755# US (Germantown) +19294362866,89238023755# US (New York) Dial by your location +1 301 715 8592 US (Germantown) +1 929 436 2866 US (New York) +1 312 626 6799 US (Chicago) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) Meeting ID: 892 3802 3755 Find your local number: https://us02web.zoom.us/j/89238023755?pwd=T3JUSHB2QXRMaC9rRG1HTIB6QzBFZz09</p>
Letter of Intent Due:	Not applicable
Application Deadline:	Friday, August 21, 2020, 6:00 PM
Links to Additional Information about this Funding Opportunity	<p>DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse. DC Health EGMS https://dcdoh.force.com/GO_ApplicantLogin2</p>

DEPARTMENT OF HEALTH

PUBLIC NOTICE

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

Wednesday, August 19, 2020, the Board will not have a regularly scheduled Board meeting.

Wednesday, September 16, 2020, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, October 21, 2020, the Board will hold an open session (public) meeting, which will begin at 9:00 a.m. and end at 10:00 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session by videoconference or by phone.

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

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF PUBLIC MEETING

Homeland Security Commission

August 20, 2020

3:00 p.m. to 5:00 p.m.

Virtual Meeting via WebEx: 1-650-479-3208; access code: 160 559 4190

On August 20, 2020 at 3:00 p.m., the Homeland Security Commission (HSC) will hold a meeting that may proceed into closed session pursuant to D.C. Code § 2-575(b), D.C. Code § 7-2271.04, and D.C. Code § 7-2271.05, for the purpose of discussing the annual report.

The meeting will be held remotely via WebEx. For additional information, please contact Dion Black, General Counsel, by phone at 202-481-3011 or by email at dion.black1@dc.gov.

**DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION
COMMUNITY SERVICES BLOCK GRANT**

**Notice of CSBG
Cares Act Supplemental State Plan
For Public Inspection
Review and Comment**

The Director of the District of Columbia (District) Department of Human Services (DHS), pursuant to the requirements of the Community Services Block Grant Act, (CSBG) 42 U.S.C. §9901 *et seq.*; the Coronavirus Aid, Relief, and Economic Security Act, (CARES) 2020, Pub. L. No. 116-36; and the Department of Health and Human Services Block Grant Regulations, 45 CFR Part 96, announces the availability of the CSBG CARES Act Supplemental State Plan and Application for Fiscal Year (FY) 2021 for public inspection, review and comment. The State Plan presents an immediate approach to address the consequences of increasing unemployment and economic disruption within the District as a result of the 2019 Novel Coronavirus (COVID-19), a communicable disease dangerous to the public's health.

The CSBG CARES Act Supplemental State Plan will be available for inspection, review and comment virtually from Monday, August 10, 2020 to Friday, August 21, 2020 on the DHS website: <https://dhs.dc.gov/> and also the United Planning Organization (UPO), the CSBG eligible entity website: <https://www.upo.org/>.

Written comments may be submitted from Monday, August 10, 2020 through Friday, August 21, 2020, by mail to the attention of Tunde Eboda, Ph.D., State CSBG Administrator, Community Services Block Grant Program, Department of Human Services, 64 New York Avenue, NE, 6th Floor, Washington, DC 20002 or email to: csbg.information@dc.gov.

METROPOLITAN POLICE DEPARTMENT

**Police Investigations Concerning
First Amendment Activities**

Calendar Year 2019

Policy

It is the policy of the Metropolitan Police Department (MPD) that investigations involving unlawful activity conform to the guarantees of the United States Constitution and that care is exercised in the conduct of those investigations so as to protect constitutional rights. MPD does not conduct investigations on activities protected by the First Amendment. The Department's members may not investigate, prosecute, disrupt, interfere with, harass, or discriminate against any person engaged in First Amendment activity for the purpose of punishing, retaliating, preventing, or hindering the person from exercising his or her First Amendment rights.

MPD investigates only those matters supported by a legitimate law enforcement purpose. To prevent criminal activity conducted under the guise of First Amendment activities and criminal acts of civil disobedience threatening public safety or the security of the city, MPD must, at times, initiate investigations in advance of unlawful conduct. Such investigations occur if there is reasonable suspicion to believe that persons, groups, or organizations are planning or engaged in criminal activity and the First Amendment activities are relevant to the criminal investigation.

The Department is compliant with section 208(a) of the *Police Investigations Concerning First Amendment Activities Act of 2004*, effective April 13, 2005 (D.C. Law 15-352, D.C. Official Code §§ 5-333.01 *et seq.*), governing investigations and preliminary inquiries involving First Amendment activities. MPD practices the appropriate maintenance, dissemination, and purging of records, files, and information from such investigations and preliminary inquiries. The Department is committed to fair, unbiased, and constitutional policing.

In Brief

The following information is provided in compliance with the *Police Investigations Concerning First Amendment Activities Act of 2004*.

Reporting Requirements	2019
The number of investigations authorized	1
The number of authorizations for investigation sought but denied	0
The number of requests from outside agencies	0
The number of arrests, prosecutions, or other law enforcement actions taken as a result of such investigations	1
Any violations of the regulations issued pursuant to this subchapter, and the actions taken as a result of the violations, including whether any officer was disciplined	0

Police Investigations Concerning First Amendment Activities
Page 2

Evaluation

During calendar year 2019, MPD received information leading the Department to reasonably believe that individual(s) intended to commit criminal acts within the District of Columbia during the July 6, 2019, "Demand Free Speech" rally at Freedom Plaza and the "All Out D.C." rally at Pershing Park. Based on that information, one investigation involving First Amendment activities was authorized. As a consequence, one arrest was made for a criminal act committed during these First Amendment events.

MPD will continue its policy that investigations involving any criminal activity conform to the guarantees of the U.S. Constitution and that care is exercised in the conduct of those investigations so as to protect constitutional rights.

Please contact Peter Newsham, Chief of Police, at 202-727-4218 or peter.newsham@dc.gov to discuss any questions you have regarding this report.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Various Services**

1. **Communications Strategic Planning.** MVPCS is seeking proposals for communication strategy and planning for SY21 and possible yearly extensions.
2. **Staff Development and Engagement.** MVPCS is seeking proposals for professional development support on staff development, engagement and evaluations.
3. **Technology Insurance.** MVPCS is seeking proposals for insurance coverage on chromebooks and related technology for SY21 and beyond.

Please contact Elle Carne at ecarne@mundoverdepcs.org for full RFP details. **All bids are due via email on August 31 at 3pm.** Note that the contract may not be effective until reviewed and approved by the District of Columbia Public Charter School Board.

**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT****NOTICE OF FUNDING AVAILABILITY (NOFA)****FY21 Great Streets Retail Small Business Grant****Request for Application (RFA) Release Date: Friday, August 28, 2020****Grant Identification No.: DMPED – FY21 GSRGRT**

The Office of the Deputy Mayor for Planning and Economic Development (“**DMPED**”) is soliciting grant applications from qualified small business owners who wish to improve their place of business. The purpose of the Great Streets Retail Small Business Grant (the “**Grant**”) is to support existing small businesses, attract new businesses, increase the District’s tax base, create new job opportunities for District residents, and transform designated emerging commercial corridors into thriving and inviting neighborhood centers.

The Grant identified the following program funding priorities.

1. The Grant encourages existing and new neighborhood-based retail-oriented businesses which seek access to capital to improve their place of business, re-imagining their service approach by expanding services, and/or to fill a need in an underserved retail priority area. With the COVID-19 pandemic, brick-and-mortar retail spending is expected to experience a double-digit decrease. As the trends in retail have shifted towards a more consumer-centric experience, local businesses must develop innovative approaches to attract new customers while maintaining their existing customer base to remain competitive.
2. The Great Streets program grows the District’s local small business economy and bolster neighborhoods with inadequate access to retail opportunities. DMPED seeks to invest in 13 retail priority areas, “Great Streets Corridors,” with the goal of creating livable, walkable, shoppable, community-serving retail experiences across all eight wards.
3. DMPED seeks to invest in small businesses which:
 - a. Activate or stabilize the commercial corridor through its physical presence;
 - b. Maintain and/or create new jobs, especially for District residents;
 - c. Visually impact the corridor via façade improvements; and
 - d. Improve the customer experience via interior remodeling or e-commerce systems.

The application deadline is Monday, September 28, 2020 at 4:00 noon DST.

Purpose: The purpose of the Great Streets Initiative is to transform certain designated emerging commercial corridors into thriving, walkable, shoppable and inviting neighborhood experiences. The Great Streets Initiative does this by supporting existing businesses, attracting new

businesses, increasing the District's tax base, and creating new job opportunities for District residents.

Background Information: Pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-328.04); and “Great Streets Neighborhood Retail Priority Area Amendment Act of 2013” effective October 1, 2013 (D.C. Code § 2-1217.73b), DMPED invites the submission of applications for the Grant.

Award: Based on the external and internal review panel recommendations, the Mayor's budget priorities, the resources available, the goal of achieving a balance as to communities served, and the goals of the program, DMPED will make the final funding decision. DMPED will award up to **\$2,500,000.00 total** in grants to be disbursed to successful applicants of the Grant. Maximum request per application is **\$50,000.00**.

Eligible businesses: New or existing small business owner whose business location is either within, and/or plans to move to a Great Street Corridor are eligible (see map at: <http://ht.ly/m90F30cM0bz>).

Ineligible businesses: Adult entertainment, Auto body repair, Bank, Bar or Nightclub, as defined by an ABRA license, Construction/general contracting/architecture/design-build, E-commerce business, Financial services, Home-based, Hotel, Liquor store, Phone store, Professional services, Real estate development/property management/realtor, Seasonal (open only part of the year).

Previously awarded businesses that are expanding existing operations and/or relocating to another location are not eligible. Businesses which have received a total of \$150,000.00 or more of funding from the Great Streets or H Street Grants Programs are not eligible.

List of the Great Street Corridors:

7 th Street/Georgia Ave NW	North Capitol Street NW/NE
Connecticut Avenue NW	Pennsylvania Avenue SE
Georgia Avenue NW	Wisconsin Avenue NW
H Street – Bladensburg Road NE	Nannie Helen Burroughs Avenue NE
Minnesota/Benning Road NE	Rhode Island Avenue NE
Martin Luther King Jr. Avenue SE/ South	U Street/14 th Street NW (Adams
Capitol Street SE/SW	Morgan/Columbia Heights/Mt. Pleasant)
New York Avenue NE	

For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which will be posted at <http://greatstreets.dc.gov> by **Friday, August 28, 2020**.

Period of Performance: October 1, 2020 through September 30, 2021

Grant Information Sessions: DMPED will host multiple virtual information and live web chat sessions on the Great Streets Corridors. Once confirmed, details about the information sessions will be posted on the Great Streets website at www.greatstreets.dc.gov.

Contact Name: DMPED Grants Team **Phone:** 202.727-7673 **Email:** dmped.grants@dc.gov

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the Gifts Online system no later than 4:00 PM DST on **Monday, September 28, 2020**

**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY21 Great Streets Small Business Retail Administration Grant

Request for Application (RFA) Release Date: Friday, August 21, 2020

Grant Identification No.: DMPED – FY21GSADM

The Office of the Deputy Mayor for Planning and Economic Development (“**DMPED**”) is soliciting grant applications from qualified Community Development Financial Institutions (“**CDFIs**”) and/or Community Based Non-Profit Organizations (“**CBOs**”) to provide grant application review, award recommendations, funds disbursement, and grant management for the FY21 Great Streets Small Business Retail Administration Grant (the“**Grant**”).

The Great Streets program grows the District’s local small business economy and bolster neighborhoods with inadequate access to retail opportunities. DMPED seeks to invest in 13 retail priority areas, “Great Streets Corridors,” with the goal of creating livable, walkable, shoppable, community-serving retail experiences across all eight wards. The Grant encourages existing and new neighborhood-based retail-oriented businesses which seek access to capital to improve their place of business, re-imagining their service approach by expanding services, and/or to fill a need in an underserved retail priority area.

The Grant has identified the following funding priorities.

1. Applicant must have as a primary focus of its activities the provision of financial services for small businesses in the District of Columbia, including:
 - a) Track record and volume of small business lending in the District of Columbia and more specifically, designated Great Streets corridors;
 - b) Successful performance under previous program grants; and,
 - c) Institutional capacity for grant application review, grantee award recommendations, funds disbursement and grant management.
2. Applicant will have an existing infrastructure, including staff capacity, existing policies and procedures, and software and systems, necessary to administer the Grant.
3. Applicant must have a cost or fee structure for program administration costs that will allow the Grant capital base to remain intact.

The application deadline is Tuesday, September 15, 2020 at 12:00 p.m. DST.

Purpose: The purpose of the Great Streets Initiative is to transform certain designated emerging commercial corridors into thriving, walkable, shoppable and inviting neighborhood experiences. The Great Streets Initiative does this by supporting existing businesses, attracting new businesses, increasing the District’s tax base, and creating new job opportunities for District residents.

Background Information: Pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-328.04); and “Great Streets Neighborhood Retail Priority Area Amendment Act of 2013” effective October 1, 2013 (D.C. Code § 2-1217.73b), DMPED invites the submission of applications for the Grant. As part of this process, DMPED will first select CDFIs to administer the program and, thereafter, the CDFIs will review applications and disburse grant funds to selected applicants of the Grant, pre-screened by DMPED.

Award: Based on the external and internal review panel recommendations, the Mayor’s budget priorities, the resources available, the goal of achieving a balance as to communities served, and the goals of the program, DMPED will make the final funding decision. DMPED will award up to **\$85,000.00** in grant funds to successful applicants to provide the above mentioned grant administration activities.

List of the Great Street Corridors:

- | | |
|---------------------------------------|--|
| 7 th Street/Georgia Ave NW | Pennsylvania Avenue SE |
| Connecticut Avenue NW | Wisconsin Avenue NW |
| Georgia Avenue NW | Nannie Helen Burroughs Avenue |
| H Street – Bladensburg Road NE | NE |
| Minnesota/Benning Road NE | Rhode Island Avenue NE |
| Martin Luther King Jr. Avenue SE/ | U Street/14 th Street NW (Adams |
| South Capitol Street SE/SW | Morgan/Mt. Pleasant/Columbia |
| New York Avenue NE | Heights) |
| North Capitol Street NW/NE | |

For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which will be posted at <http://greatstreets.dc.gov> by **Friday, August 21, 2020**.

Period of Performance: Thursday, October 1, 2020 – Thursday, September 30, 2021

Contact Name: DMPED Grants Team **Phone:** 202.727-7673 **Email:** dmped.grants@dc.gov

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the Gifts Online system no later than 12:00 PM DST on **Tuesday, September 15, 2020**

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public surplus hearing regarding the District of Columbia owned property identified below to obtain community input on the potential public uses of the Property to inform the Mayor’s determination whether the real property is no longer required for public purposes. A summary of received comments and suggestions will be submitted to the Council of the District of Columbia pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

Property:

Hill East Parcel	Premise Address
Parcel A	19th and Massachusetts Ave SE, Washington DC
Parcel B-1	19th and Massachusetts Ave SE, Washington DC
Parcel B-2	19th and Massachusetts Ave SE, Washington DC
Parcel C	19th and Massachusetts Ave SE, Washington DC
Parcel E	19th and Massachusetts Ave SE, Washington DC
Parcel F-2	19th and Massachusetts Ave SE, Washington DC
Parcel G-2	19th and Massachusetts Ave SE, Washington DC
Parcel H	19th and Massachusetts Ave SE, Washington DC

See the attached Surplus Map for the location of all 8 parcels.

The date, time, and location of the public surplus hearing is:

Date: Wednesday, September 2, 2020

Time: 6:00 p.m. – 6:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=ec7dc905e7366bad3a801815e6e576d7a>

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor’s Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. On June 19, 2020, the Mayor issued Mayor’s Order 2020-075, which provided guidance for further reopening of businesses during Phase Two. All individuals are still required, if possible, to maintain a distance of at least six (6) feet from

persons not in their household. In addition, large gatherings of more than fifty (50) individuals continue to be prohibited in the District.

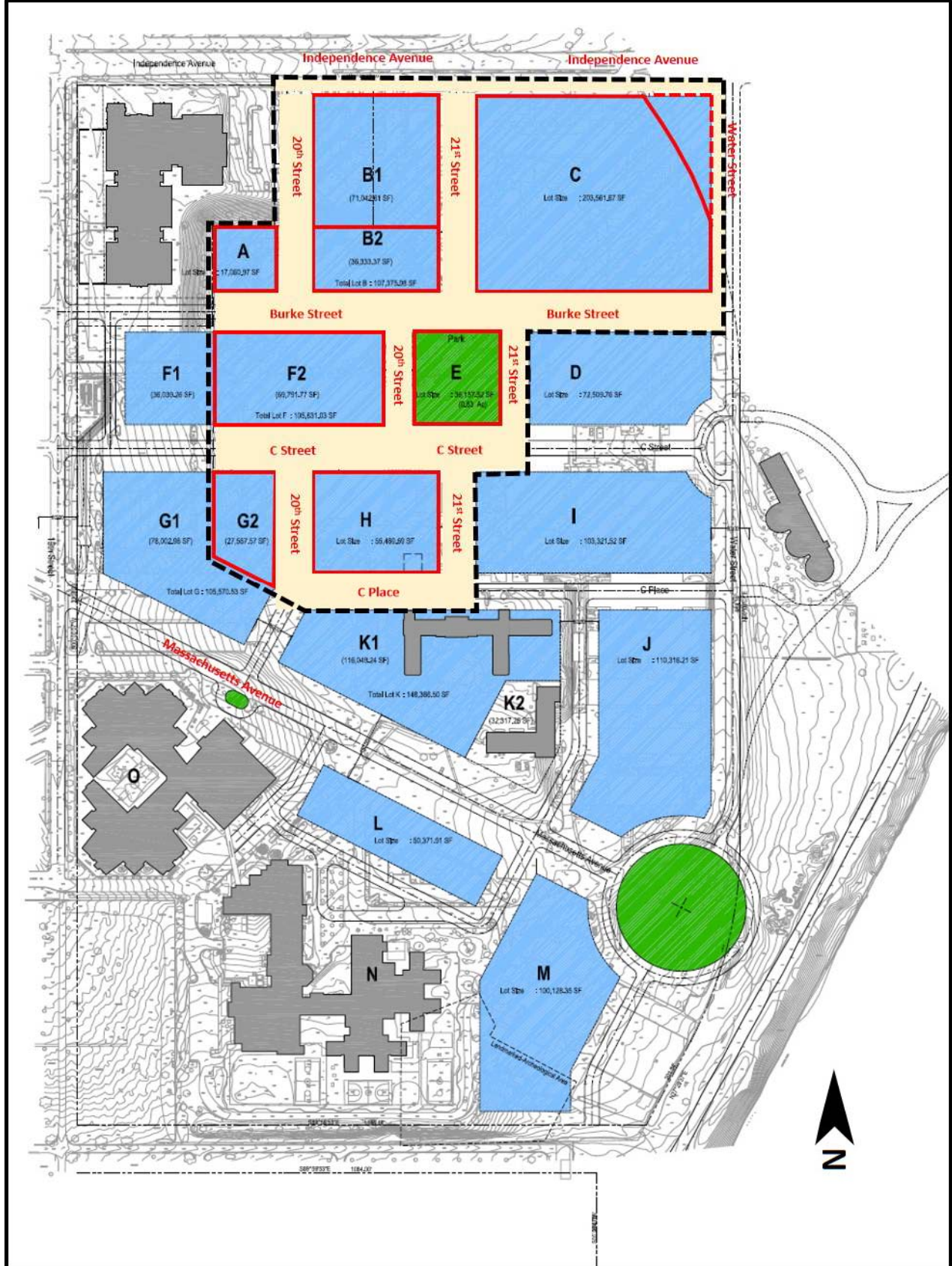
As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayors' Orders, in lieu of an in-person public meeting to obtain community input on the proposed designation of the Property as surplus property, pursuant to D.C. Official Code §10-801, the meeting will be held online, and community input should be submitted in writing by September 2, 2020. A summary of received comments and suggestions will be submitted to the Council pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

Please feel free to contact Ketan Gada at ketan.gada@dc.gov or (202) 727-6365 should you have any questions or concerns.

Please note that written comments will be accepted by email until September 2, 2020, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004
Attention: Ketan Gada, Director, Hill East District Redevelopment
ketan.gada@dc.gov

Hill East Phase 2 Development SURPLUS MAP



**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT
NOTICE OF PUBLIC MEETING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public surplus hearing regarding the Frank D. Reeves Center of Municipal Affairs site at 2000 14th Street NW including air rights (Square 0204, Lot 0844) (“Property”) to obtain community input on the potential public use of the Property to inform the Mayor’s determination whether the real property is no longer required for public purposes. A summary of received comments and suggestions will be submitted to the Council of the District of Columbia pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

The date, time, and location of the public surplus hearing is:

Date: Tuesday, September 1, 2020

Time: 6:00 p.m. – 6:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/j.php?MTID=m8bd519271e8cc540b5ccbd3a0455573b>

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor’s Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. On June 19, 2020, the Mayor issued Mayor’s Order 2020-075, which provided guidance for further reopening of businesses during Phase Two. All individuals are still required, if possible, to maintain a distance of at least six (6) feet from persons not in their household. In addition, large gatherings of more than fifty (50) individuals continue to be prohibited in the District.

As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayors’ Orders, in lieu of an in-person public meeting to obtain community input on the proposed designation of the Property as surplus property, pursuant to D.C. Official Code §10-801, the meeting will be held online, and community input should be submitted in writing by September 15, 2020. A summary of received comments and suggestions will be submitted to the Council pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

Please feel free to contact Patrick Pendleton Smith at 202-724-6634 or patrick.smith3@dc.gov should you have any questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email until September 15, 2020 at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue NW, Suite 317
Washington, DC 20004
Attention: Patrick Pendleton Smith, Development Manager
patrick.smith3@dc.gov

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)
National Association of)	PERB Case No. 19-RC-01
Government Employees)	
)
) Petitioner	
)
) Opinion No. 1732
)
) and	
)
District of Columbia)	
Department of Forensic Sciences)	
)
) Respondent	
)
_____)	

**DECISION ON UNIT DETERMINATION
AND DIRECTION OF ELECTION**

On July 24, 2019, the National Association of Government Employees (NAGE) filed a “Petition for Recognition” (Petition), seeking to represent the following proposed bargaining unit for the purpose of collective bargaining:

All employees of the Public Health Laboratory, both professional and nonprofessional, and all other professional employees of the Department of Forensic Sciences, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.¹

As required by PERB Rule 502.1(d), the Petition was accompanied by a roster of NAGE’s officers and a copy of NAGE’s constitution and bylaws. In addition, NAGE submitted evidence of the employees’ showing of interest in having NAGE as their exclusive representative for collective bargaining.

¹ Pet. at 1-2.

Decision and Order
PERB Case No. 19-RC-01
Page 2

On August 22, 2019, as required by PERB Rule 502.3, the District of Columbia Department of Forensic Sciences (DFS) submitted a list of employees and comments to the Petition. Pursuant to PERB Rule 502.4, the Executive Director determined that NAGE met its showing of interest based on its Petition. On September 4, 2019, the Executive Director issued to DFS a notice that the recognition petition had been filed, which DFS posted for fourteen (14) consecutive days. The Board received no comments or requests for intervention in response to the notice.

DFS challenged the recognition petition, asserting that a number of the employees in the proposed bargaining unit were already represented by other labor organizations.² NAGE stated in its Petition that no other labor organization currently represents any of the employees in the proposed bargaining unit.

On November 8, 2019, a hearing was held to determine which employees belonged in the bargaining unit. DFS and NAGE resolved the issue of which employees would be covered by the proposed unit description and DFS abandoned its challenge to the Petition. The Hearing Examiner noted that none of the employees in the Petition's proposed bargaining unit are currently covered by an existing collective bargaining agreement and that the employees report to the same five or six supervisors.³ Based on the parties' stipulation and other documents presented at the hearing, the Hearing Examiner concluded that the recognition petition met all the requirements of PERB Rule 502.⁴

D.C. Official Code § 1-617.09(a) requires that a community of interest exist among employees for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficient agency operations. After reviewing the record and the Hearing Examiner's report and recommendation, the Board finds that the proposed bargaining unit constitutes an appropriate unit for collective bargaining.⁵

The Board orders an election to determine the will of the eligible employees in the unit described above to be represented by the Petitioner or no representative. In accordance with PERB Rule 510.5, all professional employees must be given two ballots: one for indicating whether they desire a combined professional/nonprofessional unit and a second for indicating the choice of representative, if any. The Board finds that an on-site election is appropriate in this case.

ORDER

IT IS HEREBY ORDERED THAT:

² Comments at 1-2. DFS claims that employees transferred from the Department of Human Services are represented by the American Federation of Government Employees Local 2978 and employees transferred from the Department of Health are represented by the Service Employees International Union District 1199-UHE.

³ R&R at 6.

⁴ R&R at 7.

⁵ R&R at 5.

Decision and Order
PERB Case No. 19-RC-01
Page 3

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All employees of the Public Health Laboratory, both professional and nonprofessional, and all other professional employees of the Department of Forensic Sciences, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. An on-site election shall be held in accordance with the provisions of D.C. Official Code § 1-617.10 and PERB Rules 510, 511, 513, 514, and 515 in order to determine whether a majority of eligible employees in the above-described unit desire to be represented for the bargaining on terms and conditions of employment by either the National Association of Government Employees or no union.
3. Pursuant to PERB 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 Charles Murphy and Board members Ann Hoffman, Mary Anne Gibbons, Barbara Somson, and Douglas Warshof.

Washington, D.C.
January 16, 2020

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-RC-01, Op. No. 1732 was sent by File and ServeXpress to the following parties on this the 24th day of January, 2020.

Lateefah S. Williams
National Association of Government Employees
1020 N. Fairfax Street
Suite 200
Alexandria, VA 22314

Michael Kentoff
D.C. Office of Labor Relations and
Collective Bargaining
441 4th Street NW
Suite 820 North
Washington, D.C. 20001

/s/ Sheryl Harrington
Public Employee Relations Board

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of)	
)	
American Federation of)	
Government Employees, Local 2725)	
)	PERB Case No. 19-A-10
Petitioner)	
)	Opinion No. 1735
v.)	
)	
District of Columbia Housing Authority)	
)	
Respondent)	
_____)	

DECISION AND ORDER

I. Statement of the Case

On August 30, 2019, American Federation of Government Employees, Local 2725 (Union) filed an Arbitration Review Request (Request) pursuant to the Comprehensive Merit Personnel Act (CMPA), D.C. Official Code § 1-605.02(6), seeking review of an arbitration award (Award) dated August 12, 2019.¹ The Union seeks review of the Award on the grounds that the Arbitrator exceeded his jurisdiction and that the Award on its face is contrary to law and public policy.

Having reviewed the Arbitrator’s findings and conclusions, the pleadings of the parties, and applicable law, the Board concludes that the Arbitrator did not exceed his jurisdiction and that the Award is not contrary to law and public policy. Therefore, the Board denies the Request.

II. Arbitration Award

A. Background

Grievant worked for the District of Columbia Housing Authority (Agency) as a Maintenance Mechanic from September 28, 2009, until his discharge on May 30, 2018.² Grievant received two suspensions prior to his removal.³ In April 2018, Grievant missed seven scheduled

¹ The Agency filed an arbitration review request of the same Award. *See* PERB Case No. 19-A-11.

² Award at 1, 3.

³ Award at 3.

Decision and Order
PERB Case 19-A-10
Page 2

workdays and one holiday.⁴ On May 30, 2018, the Agency issued Grievant a Notice of Removal for: “(1) inexcusable absence without leave (AWOL) between April 16, 2018 through April 25, 2018; and (2) other conduct during and outside of duty hours adversely affecting the employee’s or agency’s ability to perform effectively.”⁵

The Union invoked arbitration on behalf of Grievant and sought immediate rescission of the removal notice. However, the Union did not request back pay or benefits.⁶

B. Arbitrator’s findings and conclusions

On August 12, 2019, the Arbitrator issued an Award which: (1) sustained the AWOL charges for the scheduled workdays of April 17 through April 25, 2018; and (2) dismissed all other charges because the Agency failed to provide evidence that Grievant’s conduct impacted his ability to perform his job.⁷ The Arbitrator assessed what would be the appropriate remedy for the proven misconduct in light of the relevant mitigating and aggravating circumstances.⁸ Accordingly, the Arbitrator directed the Agency to “reinstate the Grievant forthwith, with full uninterrupted seniority, but no award is made of back pay or benefits, and the period between his improper removal and his return to work should be treated as a time-served disciplinary suspension.”⁹

III. Discussion

Section 1-605.02(6) of the D.C. Official Code permits the Board to modify or set aside a grievance arbitration award only under three circumstances: (1) if the arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law or public policy; or (3) if the award was procured by fraud, collusion or other similar or unlawful means.¹⁰ The Union argues that the Arbitrator exceeded his jurisdiction and that the Award on its face is contrary to law or public policy.¹¹ Hence, the Union requests that the Board vacate the Award’s imposition of a time-served suspension and remand the matter to the Arbitrator.¹²

⁴ Award at 4.

⁵ Award at 2.

⁶ Award at 7.

⁷ Award at 15.

⁸ Award at 15.

⁹ Award at 17.

¹⁰ D.C. Official Code § 1-605.02(6) (2001).

¹¹ Request at 5, 7.

¹² Request at 4.

Decision and Order
PERB Case 19-A-10
Page 3

A. The Arbitrator did not exceed his jurisdiction.

The Union argues that the Arbitrator exceeded his jurisdiction by imposing a time-served suspension.¹³ An arbitrator derives his or her jurisdiction from the consent of the parties.¹⁴ This consent is expressed by the parties through their collective bargaining agreement (CBA).¹⁵ One of the tests the Board uses in determining if 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.”¹⁶ To determine if an award “draws its essence” from a CBA, the Board will look to whether the arbitrator (1) resolved a dispute not committed to arbitration, (2) committed fraud, had a conflict of interest or acted dishonestly in issuing the award; or (3) arguably construed or applied the contract.¹⁷ If these errors were not committed, the award has “drawn its essence” from the CBA.¹⁸

The Union argues that such time-served suspensions are not contemplated in the Table of Appropriate Penalties (Table) of the parties’ CBA because “the definition of ‘suspension’ as being temporary requires suspensions to have a fixed length.”¹⁹ However, the Board notes that the time-served suspension was not “indefinite” as argued by the Union.²⁰ Rather, the Arbitrator ordered the Agency to reinstate Grievant on August 19, 2019, which provided a date-certain end to the suspension.²¹

Further, the Union’s argument that the Arbitrator did not construe nor apply the contract is without merit.²² The Board has previously stated, “an arbitrator does not exceed his authority by exercising his equitable powers, unless these powers are expressly restricted by the parties’ collective bargaining agreement.”²³ Article 9, Section E (12) of the parties’ CBA provides that the “arbitrator shall have full authority to award appropriate remedies.”²⁴ Additionally, Article 10, Section C of the parties’ CBA describes the Table of Appropriate Penalties (Table) as a non-exhaustive list of available penalties. The CBA does not restrict the Arbitrator’s powers to determine an appropriate remedy, and therefore, the Arbitrator was within his jurisdiction to award a time-served suspension after determining that termination was an inappropriate penalty.

¹³ Request at 3.

¹⁴ *Wash. Teachers’ Union v. D.C. Pub. Schools*, 77 A.3d 441, 446 (D.C. 2013).

¹⁵ *Id.*

¹⁶ *MPD v. FOP/MPD Labor Comm. (on behalf of Jacobs)*, 60 D.C. Reg. 3060, Slip Op. No. 1366 at 5-6, PERB Case No. 12-A-04 (2013) (citing *D.C. Pub. Schools v. AFSCME, Dist. Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156 at 5, PERB Case No. 86-A-05 (1987)); see also *Dobbs, Inc. v. Local No. 1614, Int’l Bhd. of Teamsters, Chauffeurs, Warehousemen & Helpers of Am.*, 813 F.2d 85 (6th Cir. 1987).

¹⁷ *DOC v. FOP/DOC Labor Comm.*, 66 D.C. Reg. 443, Slip Op. No. 1715 at 3, PERB Case No. 19-A-05 (2019) (quoting *Mich. Family Res., Inc. v. SEIU Local 517M*, 475 F.3d 746, 753 (6th Cir. 2007)).

¹⁸ *Id.*

¹⁹ Request at 6.

²⁰ Request at 6.

²¹ Request at 6.

²² The Union did not raise challenges to whether the Arbitrator resolved a dispute not committed to arbitration nor to whether the Arbitrator committed fraud, had a conflict of interest, or acted dishonestly in issuing the Award.

²³ *MPD v. FOP/MPD Labor Comm.*, - D.C. Reg. -, Slip Op. No. 933 at 8, PERB Case No. 07-A-08 (2008).

²⁴ Agreement at 21.

Decision and Order
PERB Case 19-A-10
Page 4

Accordingly, the Arbitrator's issuance of a time-served suspension from May 30, 2018 until August 19, 2019, was consistent with the CBA and "drew its essence from it."

B. The Award is not contrary to law and public policy.

The Union argues that the Arbitrator's award of a time-served suspension for Grievant is contrary to law and public policy. To overturn an arbitration decision on the basis of public policy represents a narrow exception to the rule that a reviewing body must defer to an arbitrator's interpretation of the contract.²⁵ A petitioner must demonstrate that an award violates established law or compels the violation of an explicit, well-defined, public policy grounded in law and legal precedent.²⁶ As explained by the D.C. Circuit Court of Appeals, "the exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of public policy."²⁷ Thus, the Union has the burden to specify applicable law and explicit, well-defined public policy that mandates a different result from arbitration.²⁸

In its Request, the Union argues that the Board's previous decision in *AFGE, Local 2725 v. DCHA (Fahn)*,²⁹ regarding time-served suspensions was erroneous due to recent precedent and the need for "a more robust analysis."³⁰ However, the Union failed to cite or reference any recent cases supporting this claim and, in fact, merely cited to the same cases that the Board already considered in *Fahn*.³¹ Specifically, the Union argues that time-served suspensions are inherently arbitrary because they are based solely on the length of time elapsed between removal and the date of an arbitrator's decision.³² However, time-served suspensions are only inherently arbitrary when the arbitrator merely "mitigat[es] a termination to a 'time served' suspension without articulating a basis for the length of the suspension."³³

Here, the Arbitrator considered multiple factors in determining the appropriate remedy.³⁴ After determining that Grievant's termination was inappropriate, the Arbitrator weighed various mitigating factors while referring to the Table of Penalties.³⁵ Grievant's failure to provide evidence

²⁵ *MPD v. FOP/MPD Labor Comm.*, 65 D.C. Reg. 12884, Slip Op. No. 1684 at 5, PERB Case No. 18-A-09 (2018) (citing *Am. Postal Workers Union v. U.S. Postal Serv.*, 789 F.2d 1, 8 (D.C. Cir. 1986)).

²⁶ *MPD v. FOP/MPD Labor Comm.*, 60 D.C. Reg. 5326, Slip Op. No. 1373 at 8, PERB Case No. 11-A-05 (2013); see also *United Paperworkers Int'l Union, AFL-CIO v. Misco, Inc.*, 484 U.S. 29 (1987).

²⁷ *American Postal*, 789 F.2d at 8.

²⁸ *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 6056, Slip Op. No. 1705 at 6, PERB Case No. 19-A-02 (2018) (citing *MPD v. FOP/MPD Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. No. 633 at 2, PERB Case No. 00-A-04 (2000)).

²⁹ 61 D.C. Reg. 9062, Slip Op. No. 1480, PERB Case No. 14-A-01 (2014) (*Fahn*).

³⁰ Request at 8.

³¹ See *Fahn*, 61 D.C. Reg. 9062, Slip Op. No. 1480 at 4-5.

³² Request at 7; see *Cuiffo v. United States*, 131 Ct. Cl. 60, 65 (1955) (finding a suspension arbitrary because it was "determined by accident, and not by a process of logical deliberation and decision"); see also *Savage-Bey v. La Petite Acad.*, 50 A.3d 1055, 1060 (D.C. 2012) (holding that an arbitrary and capricious decision issued by an administrative agency may be overturned).

³³ *Greenstreet v. Soc. Sec. Admin.*, 542 F.3d 705, 708 (Fed. Cir. 2008) (clarifying the decision in *Cuiffo* regarding when suspensions are inherently arbitrary).

³⁴ Award at 15-17.

³⁵ Award at 16.

Decision and Order
PERB Case 19-A-10
Page 5

that he was taking proactive steps in controlling his behavior, combined with the presence of previous disciplinary actions, led the Arbitrator to conclude that a time-served suspension was the appropriate remedy.³⁶

The Board finds that the Arbitrator's decision was not arbitrary because he articulated a basis for the length of Grievant's suspension. The Award is consistent with the Board's decision in *Fahn*. The Union fails to demonstrate that a well-defined public policy mandates overturning the Award. Therefore, the time-served suspension will not be disturbed.

IV. Conclusion

The Board rejects the Union's arguments and finds no grounds to modify, set aside, or remand the Award. Therefore, the Arbitration Review Request is denied.

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 Board Chairperson Douglas Warshof and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Peter Winkler.

February 20, 2020

Washington, D.C.

³⁶ Award at 17.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-A-10, Opinion No. 1735 was sent by File and ServeXpress to the following parties on this the 25th day of February, 2020.

Rushab Sanghvi
American Federation of Government
Employees, AFL-CIO, District 14
80 F Street NW
Washington, D.C. 20003

Paul M. Finamore
Pessin Katz Law, P.A.
10500 Little Patuxent Parkway
Suite 650
Columbia, MD 21044

/s/ Sheryl Harrington
PERB

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

<hr/>)	
In the Matter of)	
)	
District of Columbia Housing Authority)	
)	
Petitioner)	PERB Case No. 19-A-11
)	
v.)	Opinion No. 1736
)	
American Federation of)	
Government Employees, Local 2725)	
)	
Respondent)	
<hr/>)	

DECISION AND ORDER

I. Statement of the Case

On August 29, 2019, the District of Columbia Housing Authority (Agency) filed an Arbitration Review Request (Request) pursuant to the Comprehensive Merit Personnel Act (CMPA), D.C. Official Code § 1-605.02(6), seeking review of an arbitration award (Award) dated August 12, 2019.¹ The Agency seeks review of the Award on the grounds that the Arbitrator exceeded his jurisdiction and that the Award on its face is contrary to law and public policy.² The Union opposes the Request (Opposition) and seeks attorney fees, pursuant to D.C. Official Code § 6-215(e).³

Having reviewed the Arbitrator’s findings and conclusions, the pleadings of the parties, and applicable law, the Board concludes that the Arbitrator did not exceed his jurisdiction and that the Award is not contrary to law and public policy. Therefore, the Board denies the Request.

¹ The Union filed an arbitration review request of the same Award. *See* PERB Case No. 19-A-10.
² Request at 2.
³ Opposition at 1.

Decision and Order
PERB Case No. 19-A-11
Page 2

II. Arbitration Award

A. Background

Grievant worked for the Agency as a Maintenance Mechanic from September 28, 2009, until his discharge on May 30, 2018.⁴ Grievant had received two suspensions prior to his removal.⁵ In April 2018, Grievant missed seven scheduled workdays and one holiday.⁶ On May 30, 2018, the Agency issued Grievant a Notice of Removal for: “(1) inexcusable absence without leave (AWOL) between April 16, 2018 through April 25, 2018; and (2) other conduct during and outside of duty hours adversely affecting the employee’s or agency’s ability to perform effectively.”⁷

The Union invoked arbitration on behalf of Grievant and sought immediate rescission of the removal notice. However, the Union did not request back pay or benefits.⁸

B. Arbitrator’s findings and conclusions

On August 12, 2019, the Arbitrator issued an Award which: (1) sustained the AWOL charges for the scheduled workdays of April 17 through April 25, 2018; and (2) dismissed all other charges because the Agency failed to provide evidence that Grievant’s conduct impacted his ability to perform his job.⁹ The Arbitrator assessed what would be the appropriate remedy for the proven misconduct in light of the relevant mitigating and aggravating circumstances.¹⁰ Accordingly, the Arbitrator directed the Agency to “reinstatement the Grievant forthwith, with full uninterrupted seniority, but no award is made of back pay or benefits, and the period between his improper removal and his return to work should be treated as a time-served disciplinary suspension.”¹¹

III. Discussion

Section 1-605.02(6) of the D.C. Official Code permits the Board to modify or set aside a grievance arbitration award only under three circumstances: (1) if the arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law or public policy; or (3) if the award was procured by fraud, collusion or other similar or unlawful means.¹² The Agency argues that the Arbitrator exceeded his jurisdiction and that the Award on its face is contrary to law and public policy.¹³

⁴ Award at 1, 3.

⁵ Award at 3.

⁶ Award at 4.

⁷ Award at 2.

⁸ Award at 7.

⁹ Award at 15.

¹⁰ Award at 15.

¹¹ Award at 17.

¹² D.C. Official Code § 1-605.02(6) (2001).

¹³ Request at 1-2.

Decision and Order
PERB Case No. 19-A-11
Page 3

A. The Arbitrator did not exceed his jurisdiction.

The Agency contends that the Arbitrator exceeded his jurisdiction by determining the appropriate penalty.¹⁴ The Agency asserts that removal was the correct penalty because the parties' collective bargaining agreement (CBA) provides removal as the appropriate penalty for a third AWOL charge.¹⁵

An arbitrator derives his or her jurisdiction from the consent of the parties.¹⁶ This consent is expressed by the parties through their CBA.¹⁷ The Board will evaluate "whether the award draws its essence from the collective bargaining agreement" to determine whether an Arbitrator has exceeded his or her authority.¹⁸ To determine if an award "draws its essence" from a CBA, the Board will look to whether the arbitrator (1) resolved a dispute not committed to arbitration, (2) committed fraud, had a conflict of interest or acted dishonestly in issuing the award; or (3) arguably construed or applied the contract.¹⁹ If these errors were not committed, the award has "drawn its essence" from the CBA.²⁰

In this case, the Agency merely disagrees with the Arbitrator's penalty determination.²¹ The Board has previously stated that "an arbitrator does not exceed his authority by exercising his equitable powers, unless these powers are expressly restricted by the parties' collective bargaining agreement."²² Article 9, Section E (12) of the parties' CBA provides that the "arbitrator shall have full authority to award appropriate remedies."²³ Furthermore, Article 10, Section C(e), states that the "Table of Appropriate Penalties provides a range of penalties for an offense" and that the Agency "shall not be restricted absolutely by the range of penalties as provided."²⁴

Here, the CBA provides the Arbitrator with the full authority to award appropriate remedies in arbitration and does not restrict his equitable powers. The parties expressly authorized the arbitrator to determine an appropriate remedy. For these reasons, the Arbitrator's decision to mitigate Grievant's termination to a time-served suspension was within his jurisdiction.

B. The Award is not contrary to law and public policy.

¹⁴ Request at 2.

¹⁵ Request at 3-4.

¹⁶ *Wash. Teachers' Union v. D.C. Pub. Schools*, 77 A.3d 441, 446 (D.C. 2013).

¹⁷ *Id.*

¹⁸ *MPD v. FOP/MPD Labor Comm. (on behalf of Jacobs)*, 60 D.C. Reg. 3060, Slip Op. No. 1366 at 5-6, PERB Case No. 12-A-04 (2013) (citing *D.C. Pub. Schools v. AFSCME, Dist. Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156 at 5, PERB Case No. 86-A-05 (1987)); see also *Dobbs, Inc. v. Local No. 1614, Int'l Bhd. of Teamsters, Chauffeurs, Warehousemen & Helpers of Am.*, 813 F.2d 85 (6th Cir. 1987).

¹⁹ *DOC v. FOP/DOC Labor Comm.*, 66 D.C. Reg. 443, Slip Op. No. 1715 at 3, PERB Case No. 19-A-05 (2019) (quoting *Mich. Family Res., Inc. v. SEIU Local 517M*, 475 F.3d 746, 753 (6th Cir. 2007)).

²⁰ *Id.*

²¹ The Agency did not raise challenges to whether the Arbitrator resolved a dispute not committed to arbitration nor to whether the Arbitrator committed fraud, had a conflict of interest or acted dishonestly in issuing Award.

²² *MPD v. FOP/MPD of Labor Comm.*, - D.C. Reg. -, Slip Op. No. 933 at 8, PERB Case No. 07-A-08 (2008).

²³ Agreement at 21.

²⁴ Agreement at 24.

Decision and Order
PERB Case No. 19-A-11
Page 4

The Agency contends that the Award is contrary to law and public policy because the Arbitrator chose to mitigate the penalty issued against Grievant despite the finding of dishonesty.²⁵ However, the Agency does not cite any specific law or legal precedent to support its argument. Instead, the Agency asserts that in the present circumstances the Board should substitute its judgment for the Arbitrator's.²⁶

To overturn an arbitration decision on the basis of public policy represents a narrow exception to the rule that a reviewing body must defer to an arbitrator's interpretation of the contract.²⁷ For an arbitration award to be overturned on the grounds of public policy, the petitioner must demonstrate that the arbitration award itself violates established law or compels the violation of an explicit, well-defined public policy grounded in law or legal precedent.²⁸ As explained by the D.C. Circuit Court of Appeals, "the exception is designed to be narrow so as to limit potentially intrusive judicial review of arbitration awards under the guise of public policy."²⁹ The petitioner carries the burden to specify the "applicable law and public policy that mandates that the Arbitrator arrive at a different result."³⁰

In the instant case, the Agency does not specify any public policy or legal precedent that has been violated, but instead relies on the facts presented to the Arbitrator to urge the Board to substitute its judgment for that of the Arbitrator. The Agency, in essence, merely disagrees with the Arbitrator's choice of remedy. Board precedent establishes that a disagreement with an Arbitrator's choice of remedy does not render an arbitration award contrary to law and public policy.³¹ Therefore, the Agency has failed to meet its burden to specify any law or public policy, which the Award contravenes.

²⁵ Request at 6.

²⁶ Request at 6.

²⁷ *MPD v. FOP/MPD Labor Comm.*, 65 D.C. Reg. 12884, Slip Op. No. 1684 at 5, PERB Case No. 18-A-09 (2018) (citing *Am. Postal Workers Union v. U.S. Postal Serv.*, 789 F.2d 1, 8 (D.C. Cir. 1986)).

²⁸ *MPD v. FOP/MPD Labor Comm.*, 60 D.C. Reg. 5326, Slip Op. No. 1373 at 8, PERB Case No. 11-A-05 (2013); see also *United Paperworkers Int'l Union, AFL-CIO v. Misco, Inc.*, 484 U.S. 29 (1987).

²⁹ *American Postal*, 789 F.2d at 8.

³⁰ *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 6056, Slip Op. No. 1705 at 6, PERB Case No. 19-A-02 (2018) (citing *MPD v. FOP/MPD Labor Comm.*, 47 D.C. Reg. 717, Slip Op. No. 633 at 2, PERB Case No. 00-A-04 (2000)).

³¹ *Id.* at 7 (citing *DCHA v. Bessie Newell*, 46 D.C. Reg. 10375, Slip Op. No. 600, PERB Case No. 99-A-08 (1999)).

Decision and Order
PERB Case No. 19-A-11
Page 5

C. Attorney Fees under D.C. Official Code § 6-215(e)

Pursuant to D.C. Official Code § 6-215(e), the Union requests attorney fees related to the litigation of the instant Request.³² D.C. Official Code § 6-215(e) is a section within the District of Columbia Housing Authority's Establishment Act and provides the following:

If the Authority applies to the PERB for review of an arbitration award in accordance with § 1-605.02 and the PERB denies review, the PERB shall enter an order requiring the Authority to comply with the award and the Authority shall be liable to the labor organization for its litigation expenses, including attorneys' fees, in connection with the arbitration proceedings and the proceedings before the PERB. If the labor organization prevails in any subsequent litigation brought by the Authority with respect to the same award, the Authority shall be liable to the labor organization for its litigation expenses, including attorneys' fees, in connection with the litigation.³³

The Board has considered this issue before in PERB Case 14-A-07,³⁴ in which the Board denied an arbitration review request filed by the Agency. In that case, the arbitrator found a violation of the parties' contract and awarded backpay and attorney fees pursuant to 5 U.S.C. § 5596, the Back Pay Act.³⁵ In the Board's analysis of D.C. Official Code § 6-215(e), the Board considered the Federal Labor Relations Authority's (FLRA) treatment of appellate litigation expenses. The Board determined that "although the statutory schemes are not precisely parallel," the Board should follow the FLRA and remand appellate attorney fees to the arbitrator for resolution.³⁶

The instant matter is distinguishable from PERB Case 14-A-07, as there is neither an existing attorney fees award nor any need for an analysis of the Back Pay Act. Here, the question presented is whether D.C. Official Code § 6-215(e) provides the Board with authority to independently award attorney fees when the Board denies an arbitration review request filed by the D.C. Housing Authority. In reviewing the plain language of the statute and the legislative history, the Board finds that it was the intent of the Council of the District of Columbia to provide the Board with the authority to award attorney fees when the Board denies an arbitration review request filed by the D.C. Housing Authority.

"The primary and general rule of statutory construction is that the intent of the lawmaker is to be found in the language that the [lawmaker] has used."³⁷ The words of a statute should be construed in their ordinary sense and with the commonly attributed

³² Opposition at 1.

³³ D.C. Code Official § 6-215(e) (2001).

³⁴ *DCHA v. AFGE, Local 2725*, 62 D.C. Reg. 2893, Slip Op. No. 1503, PERB Case No. 14-A-07 (2015).

³⁵ *Id.*

³⁶ *Id.* at 7.

³⁷ *People's Drug Stores v. District of Columbia*, 470 A.2d 751, 753 (1983) (citing *Varela v. Hi-Lo Powered Stirrups, Inc.*, 424 A.2d 61, 64 (D.C.1980) (en banc) (quoting *United States v. Goldenberg*, 168 U.S. 95, 102-03 (1897))).

Decision and Order
PERB Case No. 19-A-11
Page 6

meaning.³⁸ Although looking to the plain language of the statute is the first step, it is appropriate to look beyond the plain meaning when a review of the legislative history may help the Board resolve ambiguities.³⁹

In PERB Case 14-A-07, the Board found that the language in D.C. Official Code § 6-215(e) was ambiguous. The statute's language states, "PERB shall enter an order requiring the [D.C. Housing] Authority to comply with the award and the Authority shall be liable to the labor organization for its litigation expenses, including attorneys' fees, in connection with the arbitration proceedings and the proceedings before the PERB." The Board found that § 6-215(e) "does not state explicitly that the Board itself is to award attorney fees, rather it states only that the [D.C. Housing] Authority shall be liable for such fees." The Board will now review the legislative history to resolve this ambiguity.

Upon its introduction, the District of Columbia Housing Authority Act of 1999, B13-0169, was referred to the Council of the District of Columbia's Committee on Consumer and Regulatory Affairs (Committee).⁴⁰ The bill was reported favorably out of the Committee on November 15, 1999.⁴¹ In the report, the Committee explains that § 6-215(e) was specifically requested by unions and their representatives to "ensure the agency's compliance with [the] collectively bargained arbitration process."⁴² Furthermore, the report cites to PERB Case 99-U-18,⁴³ in which the Board awarded costs to the union after finding that "DCHA has established a pattern and practice of refusing to implement arbitration awards."⁴⁴ The Committee found that PERB indicated if it had the statutory authority to do so, it would award attorney fees in addition to costs.⁴⁵ The Committee found that the language of § 6-215(e) was a necessary deterrent because the D.C. Housing Authority had "undermined the advantages of utilizing alternative dispute resolution systems and increased the cost to the union, the agency, and the PERB."⁴⁶

The Board finds that the legislative history clarifies the ambiguity of § 6-215(e). The Committee acknowledged that PERB indicated that if it had the statutory authority to award attorney fees it would do so. The Committee found that there was a need to deter the Agency from continuing its pattern and practice of non-compliance with arbitration awards. The Committee approved language, which was later adopted in the final version of the bill and not amended,⁴⁷ that directs the Board to enter an order that requires compliance with the arbitration award and makes the Agency liable for costs and attorney fees. Therefore, the Board concludes that D.C. Official Code § 2-615(e) provides the Board

³⁸ *People's Drug Stores*, 470 A.2d, at 753.

³⁹ *Id.* at 754.

⁴⁰ Council of the District of Columbia, Bill 13-0169 (April 1, 1999).

⁴¹ B13-0169, Council of the District of Columbia Comm. on Consumer and Regulatory Affairs, Rpt. at 1 (1999).

⁴² B13-0169, Council of the District of Columbia Comm. on Consumer and Regulatory Affairs, Rpt. at 92 (1999).

⁴³ *AFGE, Local 2725 v. DCHA*, 46 D.C. Reg. 10388, Slip Op. No. 603, PERB Case No. 99-U-18 (1999).

⁴⁴ B13-0169, Council of the District of Columbia Comm. on Consumer and Regulatory Affairs, Rpt. at 93 (1999).

⁴⁵ B13-0169, Council of the District of Columbia Comm. on Consumer and Regulatory Affairs, Rpt. at 93 (1999).

⁴⁶ B13-0169, Council of the District of Columbia Comm. on Consumer and Regulatory Affairs, Rpt. at 93 (1999).

⁴⁷ District of Columbia Housing Authority Act, L13-105 effective May 9, 2000, 47 D.C. Reg. 1325 (2000).

Decision and Order
PERB Case No. 19-A-11
Page 7

with the authority to require the Agency to pay costs and attorney fees to the Union arising from the litigation of the instant Request.

In this case, the Board finds that the Agency must pay the Union's costs and attorney fees arising from litigation of this Request.

IV. Conclusion

The Board rejects the Agency's arguments and finds no grounds to modify, set aside, or remand the Award. Therefore, the Arbitration Review Request is hereby denied. The Agency must pay the Union's costs and attorney fees associated with the litigation of this Request.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Arbitration Review Request is hereby denied.
2. The District of Columbia Housing Authority shall comply with the Award issued on August 12, 2019.
3. The District of Columbia Housing Authority shall pay the litigation costs and attorney fees associated with PERB Case No. 19-A-11.
4. American Federation of Government Employees, Local 2725 shall submit its actual costs and attorney fees to the District of Columbia Housing Authority within 30 days of this Decision and Order for payment.
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 Board Chairperson Douglas Warshof and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Peter Winkler.

February 20, 2020

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-A-11, Opinion No. 1736 was sent by File and ServeXpress to the following parties on this the 25th day of February, 2020.

Rushab Sanghvi
American Federation of Government
Employees, AFL-CIO, District 14
80 F Street NW
Washington, D.C. 20003

Paul M. Finamore
Pessin Katz Law, P.A.
10500 Little Patuxent Parkway
Suite 650
Columbia, MD 21044

/s/ Sheryl Harrington
PERB

REAL PROPERTY TAX APPEALS COMMISSION**NOTICE OF ADMINISTRATIVE MEETINGS**

The District of Columbia Real Property Tax Appeals Commission will hold its 2020 Administrative Meetings on the following dates:

- Thursday, August 27, 2020 at 1:00 p.m.;
- Tuesday, September 22, 2020 at 4:00 p.m.;
- Tuesday, November 3, 2020 at 4:00 p.m.; and
- Tuesday, December 15, 2020 at 4:00 p.m.

All meetings will be held in the Commission offices located at 441 4th Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for all meetings. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov> prior to each meeting.

For additional information, contact: Gizachew Andargeh, Executive Director, at (202) 727-3596.

DRAFT AGENDA

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE EXECUTIVE DIRECTOR**
- V. APPEALING YOUR REAL PROPERTY TAX ASSESSMENT**
- VI. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VII. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m. on the following dates:

- For the August 27th meeting, the deadline is Friday, August 21, 2020
- For the September 22nd meeting the deadline is Friday, September 18, 2020
- For the November 3rd meeting, the deadline is Friday, October 3rd, 2020
- For the December 15th meeting, the deadline is Friday, December 11, 2020

Written statements should be submitted to:

Gizachew Andargeh, Executive Director
Real Property Tax Appeals Commission
441 4th Street NW, Suite 360N
Washington, D.C. 20001
202-727-6860
Email: gizachew.andargeh@dc.gov

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after May 15, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on April 10, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: May 15, 2020

Page 2 of 2

Aponte-Smith	Dena	Mortgage Bankers Association 1919 M Street, NW, 5th Floor	20036
Darrah	Jeffrey	District Title, A Corporation 1150 Connecticut Avenue, NW, #201	20036
Diaz Gonzalez	Rosario	U.S House of Representatives 15 Independence Avenue, SE	20515
Fitzgerald	Mark	Stewart Title & Escrow, Inc. 1707 L Street, NW, Suite 240	20036
Fraley	Toya S.	Debevoise & Plimpton 801 Pennsylvania Avenue, NW, Suite 500	20004
Gentile	Joseph	Federal Title & Escrow Company 5335 Wisconsin Avenue, NW, Suite 700	20015
Gross-Bethel	Jean M.	Office of the People's Counsel 1133 15th Street, NW, Suite 500	20005
Khan	Faizul Rahaman	Self 2122 Massachusetts Avenue, NW, Suite 503	20008
Mitchell	Patricia Ellis	Columbia Enterprises, Inc 1018 7th Street, SE	20003
Rivera	Javier F	Office of the Attorney General, Child Support Services Division 441 4th Street, NW, Suite 550N	20001
Simms	Janice Michelle	National Academy of Sciences 2101 Constitution Avenue, NW	20418
Thiessen	Gary R.	US House of Representatives 1 First Street, SE	20004
Webster	Nicole D.	Metropolitan Police Department 300 Indiana Avenue, NW, Room 5114	20001

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on April 24, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: June 1, 2020
Page 2 of 2

Baker	Vicki S.	Curtin Law Roberson Dunigan & Salans, PC 1900 M Street, NW, Suite 600	20036
Fassell	Ashley M.	Self (Dual) 2500 Wisconsin Avenue, NW, #324	20007
Harris, IV	Robert A.	Harris Law Firm, PLLC 5335 Wisconsin Avenue, NW, Suite 440	20015
Higgins	Ursula	Self (Dual) 1902 Newton Street, NE	20018
Kim	Christine Hyeweon	Seyfarth Shaw, LLP 975 F Street, NW	20004
Lasso	Ricardo A.	Lasso & Lasso 4626 Wisconsin Avenue, NW, Suite 101	20016
Michaelsen	Carol L.	K&L Gates, LLP 1601 K Street, NW	20006
Nguyen	Thuy T.	Freedom Forum, Inc. 300 New Jersey Avenue, NW, 800	20001
Ramsey	Lori A.	Pillsbury Winthrop Shaw Pittman, LLP 1200 Seventeenth Street, NW	20036
Vivanco	Maria Cristina	IDB Global Federal Credit Union 1300 New York Avenue, NW	20577

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 15, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on May 15, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: June 15, 2020

Page 2 of 3

Acatrinei	Ivona	Porter, Wright, Morris & Arthur, LLC 2020 K Street, NW, Suite 600	20006
Bailey	Tanesha	Jair Lynch Real Estate Partners 1400 16th Street, NW, Suite 430	20036
Brooks	Charletta E.	National Children's Center 3400 Martin Luther King Jr Avenue, SE	20032
Falla-Añez	Helena	HEFARA, LLC 4201 Cathedral Avenue, NW, #110 West	20016
Henley	Iris P.	Self 429 N Street, SW, #705	20024
Hernacki	Lori	The Employment Law Group, P.C. 888 17th Street, NW, Suite 900	20006
Jackson	Jeannette	Tycko and Zavareei, LLP 1828 L Street, NW, Suite 1000	20036
Robinson-Foster	Debra Nick	Early Childhood Academy Public Charter School 885 Barnaby Street, SE	20032
Roots	Beth	Self 220 Allison Street, NW, #209	20011
Terry-Pone	Andrea	Self 318 16th Street, NE	20002
Tolentino	Phillip	IDB Global Federal Credit Union 1300 New York Avenue, NW	20577
Townsend	Jean Marie	Veritext 1250 Eye Street, NW	20005

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: June 15, 2020

Page 3 of 3

Ward	Cheryl V.L.	The Washington Post 1301 K Street, NW	20071
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DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF VIRTUAL MEETING**

The Commission meeting will be held on Tuesday, July 21, 2020 at 5:00 p.m. via Zoom. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://www.scdc.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Minutes from the June 16, 2020 Meeting - Action Item, Judge Lee, Chairman.
2. Review and Approval of the 2020 Sentencing Guideline Manual –Action Item, Georgia Pham, General Counsel.
3. Overview of Title 16 Analysis to Date and Analysis of Indicted Title 16 Offenses – Discussion Item, Taylor Tarnalicki, Research Analyst.
4. Overview of Title 16 Analysis to Date and Placement of Title 16 Sentences within Specific GRID boxes –Discussion Item, Mehmet Ergun, Statistician.
5. Schedule Next Meeting
6. Adjourn.

WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO AWARD A SOLE SOURCE CONTRACT

Day Porter Services

Washington Leadership Academy intends to award a sole source contract to Busy Bee Environmental Services for Day Porter Services For more information, contact Mandy Leiter at mleiter@wlapcs.org .

For full Notice of Intent to Award a Sole Source Contract, please visit: www.wlapcs.org/bids

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

Application No. 20206 of Tim Purdy, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1 and from the rear yard requirements of Subtitle E § 306.1, to construct a rear deck addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 627 Orleans Place, N.E. (Square 855, Lot 367).

HEARING DATES: March 11 and July 15, 2020¹
DECISION DATE: July 22, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 64 (Final Revised); Exhibits 57, 58 (Prior Revised))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") 6C.

ANC Report. The ANC submitted two reports to the record. The ANC's first report indicated that at a regularly scheduled, properly noticed public meeting on February 12, 2020, at which a quorum was present, the ANC voted to deny the original application. (Exhibit 53.) Specifically, the ANC Report determined that there exists no extraordinary or exceptional condition on the property that would warrant approval of the originally requested variance from the lot occupancy requirements.

¹ This application was originally scheduled for public hearing on February 12, 2020 but was postponed to March 11, 2020 at the Applicant's request. The Board continued the initial public hearing to April 22, 2020. The continued hearing was rescheduled for a virtual public hearing on July 15, 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 originally accompanied by a memorandum from the Zoning Administrator indicating that the relief required is an area variance from the lot occupancy requirements of Subtitle E § 304.1, a special exception from the rear yard requirements of Subtitle E § 306.1, and a special exception from the minimum parking requirement of Subtitle C § 701.5. (Exhibit 16.) The Applicant amended the application to withdraw the request for parking relief and to reduce the proposed lot occupancy to what is allowable by special exception.

After the Applicant revised the proposed plans and amended the application to instead request special exception relief from the lot occupancy and rear yard requirements, the ANC submitted a second report indicating that at a regularly scheduled, properly noticed public meeting on June 10, 2020, at which a quorum was present, the ANC considered the revised application but took no position.³ (Exhibit 65.) The second ANC Report acknowledged the modifications made to the plans but noted that some commissioners continued to have concerns about impacts on privacy. The Board considered these concerns but were ultimately persuaded by the evidence and testimony in the record that the proposal would not create undue adverse impacts beyond what currently exists along the block.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 54.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 40.)

Persons in Support. The Board received letters from neighbors in support of the application. (Exhibits 45, 46, 76, 79, 80.) Two neighbors, Brent Huggins and Johnnie Edmonds, testified in support of the application at the July 15, 2020 public hearing. ANC Commissioner Drew Courtney also testified in support in his capacity as the Single Member District Commissioner for 6C06.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1 and from the rear yard requirements of Subtitle E § 306.1, to construct a rear deck addition 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.

³ The ANC Report indicates that a quorum of six commissioners were present, but the “commissioners were deadlocked in a 3:3 vote to support the application.”

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**⁴ at **EXHIBIT 52A**.

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 31, 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

⁴ 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.

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. 20243 of 532 Taylor LLC, pursuant to 11 DCMR Subtitle X, Chapters 9, for a special exception under the RF-use requirements of Subtitle U § 320.2, to permit the conversion of a flat into a three-unit apartment house in the RF-1 zone at premises 532 Taylor Street, N.W. (Square 3231, Lot 86).

HEARING DATE: July 8, 2020¹
DECISION DATE: July 15, 2020

DECISION AND ORDER

This self-certified application was submitted on January 20, 2020 on behalf of 532 Taylor LLC, the owner of the property that is the subject of the application (the “**Applicant**”). Following a public hearing, the Board voted to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated February 19, 2020, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“**OP**”), the District Department of Transportation (“**DDOT**”), the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 4 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission (“**ANC**”) 4C, the ANC in which the subject property is located, Single Member District ANC 4C08, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on February 14, 2020 (67 DCR 1497) and July 3, 2020 (67 DCR 8062).

Party Status. The Applicant and ANC 4C were automatically parties in this proceeding. There were no requests for party status.

Applicant’s Case. The Applicant provided evidence and testimony in support of the application from Joel Heisey and Sima Tessema.

¹ This application was originally scheduled for public hearing on April 8, 2020 but was rescheduled for a virtual public hearing on July 8, 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.

OP Report. By memorandum dated March 27, 2020, the Office of Planning recommended approval of the zoning relief requested by the Applicant. (Exhibit 35.)

DDOT Report. By memorandum dated March 26, 2020, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 36.)

ANC Report. By letters dated June 10, 2020, ANC 4C indicated that, at a public meeting with a quorum present, the ANC voted to oppose the application because the Applicant had not agreed to make a \$15,000 contribution to the Housing Production Trust Fund. (Exhibits 43, 45.)

Persons in Support. The Board received letters indicating support of the application from the owners of the properties abutting the Applicant's property. (Exhibits 27, 28.)

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the south side of Taylor Street, N.W. between New Hampshire Avenue and 5th Street, N.W. (Square 3231, Lot 86).
2. The subject property is rectangular, 19 feet wide and 142.5 feet deep. The lot area is 2,707.5 square feet.
3. The subject property was improved with a two-story attached principal dwelling built circa 1913.
4. Building Permit No. B1906226 was issued August 12, 2019, authorizing the conversion of the attached dwelling to a two-unit flat and the construction of two additions to the building, a new third floor and a three-story rear addition.
5. The Applicant now plans to convert the building to a three-unit apartment house. No exterior changes were proposed from the building plans approved for the two-unit flat; all modifications would be limited to reconfiguration of the interior living spaces.
6. After the construction of the permitted additions, the building height will be 34.9 feet. Lot occupancy will be 51.6% (1,397 square feet). A two-story deck addition to the Applicant's building will extend four feet from the rear wall.
7. The Applicant's building is located in a block of similar attached dwellings. The building on one abutting property extends six feet past the Applicant's building. The Applicant's building extends 10 feet beyond the rear of the structure on the other abutting lot.
8. Two parking spaces will be provided at the rear of the property, accessible from a public alley, 15 feet wide, that abuts the subject property along the rear lot line.

BZA APPLICATION NO. 20243

PAGE NO. 2

9. The character of the neighborhood in the vicinity of the subject property is predominantly moderate-density residential with attached row dwellings. Properties to the south, separated from the subject property by the public alley, are of similar size. Many buildings in the square have been enlarged, and several have accessory garages along the alley.
10. The permitted additions to the Applicant's building did not affect the functioning of any chimney or external vent located on any adjacent property.
11. The adjoining properties do not contain any solar installations. No solar energy systems have been permitted for those properties.
12. The subject property is located in a Residential Flat zone, RF-1.
13. The Residential Flat (RF) zones are residential zones that provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two dwelling units. (Subtitle E § 100.1.) The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 100.2.)
14. The provisions of the RF zones are intended to: (a) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of record; (d) establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of rowhouse and other structures for flats; and (f) prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone. (Subtitle E § 100.3.)
15. 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 dwelling units are permitted. (Subtitle E § 300.1.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under the RF-use requirements of Subtitle U § 320.2 to allow the conversion of a two-unit flat into a three-unit apartment house in the RF-1 zone at 532 Taylor Street, N.W. (Square 3231, Lot 86). The Board is authorized under § 8 of the Zoning

BZA APPLICATION NO. 20243

PAGE NO. 3

Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

Pursuant to Subtitle U § 320.2, the Board may approve, by special exception, the conversion of an existing residential building in the RF-1 zone to an apartment house subject to certain requirements. These requirements include that the residential building must have been in existence before May 12, 1958, the maximum height of the residential building and any additions must not exceed 35 feet,² the property must contain at least 900 square feet of land area per dwelling unit, an addition must not extend further than 10 feet past the furthest rear wall of any principal residential building on an adjacent property, an addition must not block or impede the functioning of a chimney or other external vent on any adjacent property, an addition must not significantly interfere with the operation of an existing solar energy system of at least 2kW on any adjacent property, no rooftop architectural element original to the house may be removed or significantly altered, and any addition to the building must not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, considering especially that the light and air available to neighboring properties must not be unduly affected, the privacy of use and enjoyment of neighboring properties must not be unduly compromised, and the conversion and all additions, as viewed from the street, alley, and other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the subject street or alley.

Based on the findings of fact, the Board concludes that the application satisfies the requirements for special exception approval consistent with Subtitle U § 320.2. The Applicant did not request any waivers of the requirements for approval and demonstrated compliance with the applicable requirements such as the minimum lot area per unit and the lack of impact on any nearby chimneys or solar energy installations. No enlargement of the building is planned other than the additions that were already permitted. The Board concludes that the permitted additions will not have a substantially adverse effect on the use or enjoyment of any nearby property, noting that the new construction complies with development standards applicable in the RF-1 zone. The Board credits the testimony of OP that the proposed conversion will not itself impact the visual character of the neighborhood, and that the permitted additions will have limited visibility from the street and alley given the size of the lot and the setbacks incorporated into the design of the additions.

The Board also concludes that approval of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is required for approval of the application under Subtitle X § 901.2. The Applicant's project is consistent with the character of the Residential Flat (RF) zones as residential zones that provide for areas developed primarily with row dwellings, within which

² The Board may approve an increase to 40 feet, subject to additional requirements.

there have been limited conversions of dwellings into more than two dwelling units, and with the design of the RF zones for areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. Approval of the requested special exception is consistent with the intent of the RF zones to recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city.

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

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)) In this case, ANC 4C submitted letters indicating its opposition to the application because the Applicant had not agreed to make a \$15,000 contribution to the Housing Production Trust Fund. The ANC sought to impose numerous conditions in return for its support of the application, addressing matters that were already included in the Applicant’s proposal (provision of two parking spaces), were not supported by evidence of potential adverse impacts (exterior lighting and pervious paving), were outside the Board’s purview in this proceeding (e.g. relating to the construction process, testing water pipes for lead, and the Housing Production Trust Fund), or were not relevant to the application (compensation for neighbors with solar panels, when none were identified).

ANC 4C recognized “that some of these conditions are not within the purview of the BZA to enforce” but nonetheless made its vote on an application to the Board dependent on such a condition. The Board has given great weight to the issues and concerns stated by ANC 4C but does not find its lack of support for the application persuasive. The Board is required to accord “great weight” only to the issues and concerns of the affected ANC that are legally relevant to the application at issue. *See Concerned Citizens of Brentwood v. District of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1241 (D.C. 1993), *citing Bakers Local 118 v. District of Columbia Bd. of Zoning Adjustment*, 437 A.2d 176, 180 (D.C. 1981) (the “great weight” requirement extends only to “issues and concerns that are legally relevant”). The Board’s authority in this proceeding does not extend to requiring an applicant to make a donation to the Housing Production Trust Fund, which is not related to any of the requirements set forth in the Zoning Regulations for approval of a special exception under the RF-use requirements of Subtitle U § 320.2 to allow the conversion of a residential building into an apartment house in the RF-1 zone. The Board may not impose conditions outside the scope of its zoning jurisdiction. *President and Directors of Georgetown College v. District of Columbia Bd. of Zoning Adjustment*, 837 A.2d 58, 68, 77 (D.C. 2003) (implicit in the Board’s power to grant special exceptions is the authority to place reasonable conditions on such approval to ensure, by imposing requirements on an applicant, that so far as reasonably possible, objectionable conditions such as those enumerated in the zoning regulations will be avoided; conditions of

approval should not involve the Board in matters in which a zoning body lacks any specialized competence, far removed from the Board's expertise and area of responsibility).

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under the RF-use requirements of Subtitle U § 320.2 to allow the conversion of a flat into a three-unit apartment house in the RF-1 zone at 532 Taylor Street, N.W. (Square 3231, Lot 86). Accordingly, it is **ORDERED** that the application is **GRANTED**.

VOTE: 3-0-2 (Carlton E. Hart, Lorna L. John, and Peter G. May voting to **APPROVE**; Frederick L. Hill not participating; one Board seat vacant)

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

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

FINAL DATE OF ORDER: July 30, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

BZA APPLICATION NO. 20243

PAGE NO. 6

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. 20257 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 zone at premises of the 1500 block of Erie Street, S.E. (Square 5828, Lots 20-24).

HEARING DATE: July 22, 2020¹
DECISION DATE: July 29, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.)

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") 8B.

ANC Report. The ANC submitted a letter, dated June 24, 2020, expressing support for the application. (Exhibit 35.) The ANC Report does not include information regarding meeting date or presence of quorum and thus does not meet all the requirements of Subtitle Y § 406.2 to be accorded "great weight". 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 33.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 34.)

Special Exception Relief

¹This application was originally scheduled for public hearing on April 22, 2020 but was rescheduled for a virtual public hearing on July 22, 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.

The Applicant seeks relief under Subtitle X § 901.2, for, 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 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 PLANS²** at **EXHIBIT 5**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Michael G. Turnbull 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 31, 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

²Self-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.

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. 20258 of William G. Springer and Forrest Kettler, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the maximum lot occupancy requirements of Subtitle F § 604.1, to construct a two-story rear addition to an existing attached principal dwelling in the RA-8 Zone at premises 1416 15th Street, N.W. (Square 195, Lot 104).

HEARING DATE: July 15, 2020¹
DECISION DATES: July 22, 2020²; July 29, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.)

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") 2B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 13, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 31.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 29.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 28.)

Persons in Support. One letter was submitted in support of the application. (Exhibit 30.)

¹ This application was originally scheduled for public hearing on April 15, 2020 but was rescheduled for a virtual public hearing on July 15, 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 At the virtual public meeting of July 22, 2020, the Board deferred its decision to July 29, 2020 to allow time for the parties to respond, if desired, to newly submitted witness testimony.

Persons in Opposition. Three persons submitted documents in opposition to the application. (Exhibits 41, 46A, 44, and 44A.) At the public hearing, Nicholas DelleDonne testified in opposition on behalf of the Dupont East Civic Action Association.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle F § 5201 from the maximum lot occupancy requirements of Subtitle F § 604.1, to construct a two-story rear addition to an existing attached principal dwelling in the RA-8 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**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: August 4, 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.

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.

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. 20259 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 excess GFA for a financial services use in the NC-3 Zone at premises 3501-3527 Connecticut Avenue, N.W. (Square 2222, Lot 15).

HEARING DATE: July 22, 2020¹

DECISION DATE: July 29, 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") 3C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 18, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 42.)

OP Report. The Office of Planning submitted a report, dated April 10, 2020, recommending approval of the application. (Exhibit 32.)

DDOT Report. The District Department of Transportation submitted a report, dated April 8, 2020, indicating that it had no objection to the application. (Exhibit 31.)

Person in Support. The Board received a letter of support of the application from Commissioner Robert Finley of ANC 3C04. (Exhibit 39.)

Special Exception Relief

¹ This application was originally scheduled for public hearing on April 22, 2020 but was rescheduled for a virtual public hearing on July 22, 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.

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle H § 1200 from the designated use requirements of Subtitle H § 1101.3(a), to permit excess GFA for a financial services use in the NC-3 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 PLANS²** at **EXHIBIT 6**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Michael G. Turnbull 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: August 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.

District of Columbia REGISTER – August 14, 2020 – Vol. 67 - No. 34 009635 – 009841