

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-383 to cancel real property tax sale in calendar year 2020
- D.C. Council enacts Act 23-384 to assist employers and businesses in the District to implement COVID-19 workplace safety protections
- D.C. Council enacts Act 23-386 to require hospital birth centers and pediatric primary care providers to distribute information on the dangers of window blinds and drape cords to children
- D.C. Council enacts Act 23-389 to require health insurers to provide a special enrollment period after an individual learns of their pregnancy
- D.C. Council enacts Act 23-390 to extend postpartum telehealth benefits coverage to at least one year after childbirth
- D.C. Council enacts Act 23-399, Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020
- D.C. Council enacts Act 23-401 to provide financial grants to help businesses in their recovery from the public emergency
- Office of the State Superintendent of Education extends grace period to November 2, 2020 for licensed child development facilities to collect health forms for registered children
- Office of Victim Services and Justice Grants announces funding for the FY 2021 Reentry Services and Support to Returning Citizens Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

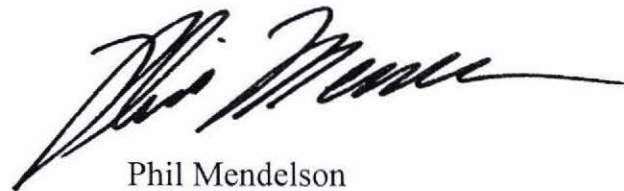
NOTICE

D.C. LAW L23-0126

"Ivory and Horn Trafficking Prohibition Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0034 on First Reading and Final Reading, on March 3, 2020, and April 7, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0302 and was published in the edition of the D.C. Register (Vol. 67, page 5060). Act A23-0302 was transmitted to Congress on May 12, 2020 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act A23-0302 is now D.C. Law L23-0126, effective August 6, 2020.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
May	12,13,14,15,18,19,20,21,22,26,27,28,29
June	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26,29,30
July	1,2,6,7,8,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30,31
August	3,4,5

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-371

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 10, 2020

To approve, on an emergency basis, Modification Nos. 8, 10, and 12 to Contract No. DCAM-17-CS-0041A between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the aggregate amount of the Contract to \$29,710,565.61, and to authorize payment to Smoot Construction Company of Washington, DC for construction management at risk 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. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A 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 Modification Nos. 8, 10, and 12 to Contract No. DCAM-17-CS-0041A, between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the aggregate amount of the contract to \$29,710,565.51 and authorizes payment to the contractor for construction management at risk services received and to be received under these contract 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.

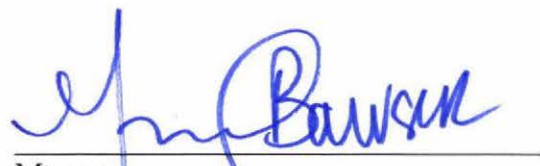
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 23-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To approve, on an emergency basis, multiyear Contract No. DCCB-2020-C-0020 with Edelson PC to provide outside legal counsel to assist with litigation against Juul Labs, Inc., and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCCB-2020-C-0020 with Edelson PC Approval and Payment Authorization Emergency Act of 2020”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), 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 multiyear Contract No. DCCB-2020-C-0020 with Edelson PC to provide outside legal counsel to assist with litigation against Juul Labs, Inc., and authorizes payment in the not-to-exceed amount of \$55 million for the goods and services to be received under the contract.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

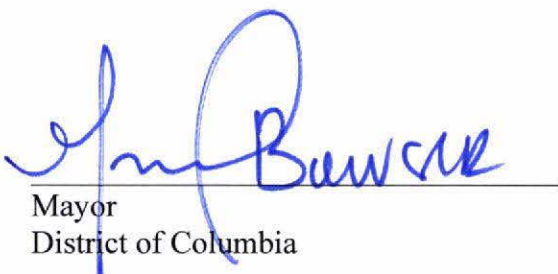
District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

ENROLLED ORIGINAL

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 12, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To approve, on an emergency basis, Contract No. CW72868 and Modification No. 1 to Contract No. CW72868 with Genuine Parts Company (dba NAPA Auto Parts or NAPA) to provide operational and logistical management, inventory control, and vehicle parts, and to authorize payment for the goods and services received and to be received under the contract and the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. CW72868 and Modification No. 1 to Contract No. CW72868 with Genuine Parts Company (dba NAPA Auto Parts or NAPA) 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. CW72868 and Modification No. 1 to Contract No. CW72868 with Genuine Parts Company (dba NAPA Auto Parts or NAPA) to provide operational and logistical management, inventory control, and vehicle parts and authorizes payment in the amount of \$1.19 million for the goods and services received and to be received under the contract and the modification.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

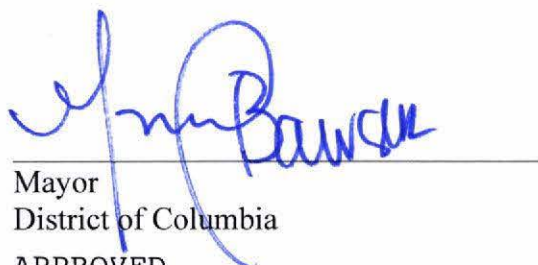
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To approve, on an emergency basis, a Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program from July 1, 2020, through June 30, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Authority Fiscal Year 2021 Capital Funding Agreement Emergency Act of 2020”.

Sec. 2. (a) Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves the First Amendment to the Washington Metropolitan Area Transit Authority Fiscal Year 2020 Capital Funding Agreement. The Mayor submitted on July 9, 2020 a capital funding agreement with the Washington Metropolitan Area Transit Authority (“WMATA”), the District; the State of Maryland; Arlington County, Virginia; Fairfax County, Virginia; Loudoun County, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia (“Contributing Jurisdictions”) to provide capital funding for a one year period to a capital improvement program for the Washington metro system from July 1, 2020, to June 30, 2021.

(b) The Council approves the maximum total expenditure under this one-year contract with WMATA and the Contributing Jurisdictions in the amount of \$95,116,884, excluding Passenger Rail Investment and Improvement Act funding.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

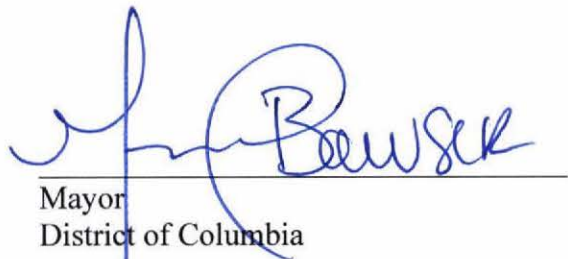
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To approve, on an emergency basis, Modification Nos. 3, 4, and 5 to Contract No. CW67661 with Sagitec Solutions LLC to provide a paid family leave tax system solution, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 3, 4, and 5 to Contract No. CW67661 with Sagitec 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, 4, and 5 to Contract No. CW67661 with Sagitec Solutions LLC to provide a paid family leave tax system solution and authorizes payment in the total amount of \$1,071,300 for goods and services received and to be received under Modification Nos. 3, 4, and 5 to Contract No. CW67661 for option year one.

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 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To approve, on an emergency basis, a one-year Local Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program from July 1, 2020, through June 30, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Authority Fiscal Year 2021 Local Capital Funding Agreement Emergency Act of 2020”.

Sec. 2. (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), the Council approves the Washington Metropolitan Area Transit Authority Fiscal Year 2021 Local Capital Funding Agreement. The Mayor submitted on July 9, 2020 a local capital funding agreement with the Washington Metropolitan Area Transit Authority (“WMATA”) to provide capital funding for a one year period to a capital improvement program for the Washington metro system from July 1, 2020, to June 30, 2021.

(b) The Council approves the maximum total expenditure under this one-year local capital funding agreement with WMATA in the amount of \$95,116,884, excluding Passenger Rail Investment and Improvement Act funding.

Sec. 3. Fiscal impact statement.

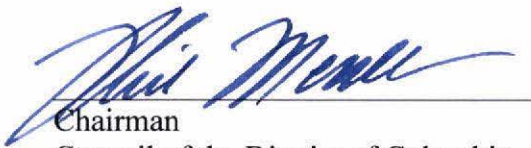
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-377

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To approve, on an emergency basis, Modification No. 9 and proposed Modification No. 10 to Contract No. CW50466 with KPMG, LLP to provide business and financial advisory services and to authorize payment for the 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. 9 and 10 to Contract No. CW50466 with KPMG, LLP Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 9 and proposed Modification No. 10 to Contract No. CW50466 with KPMG, LLP to provide business and financial advisory services and authorizes payment in the not-to-exceed amount of \$4.95 million for the goods and services received and to be received under Modification Nos. 9 and 10 to Contract No. CW50466.

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 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-378

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To approve, on an emergency basis, Change Order Nos. 4 and 7 to Contract No. DCAM-17-CS-0049, between the Department of General Services and District Veterans Contracting, increasing the aggregate amount of the contract by \$1,430,812.97 to the lump sum price of \$9,297,321.97, and to authorize payment to District Veterans Contracting for 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 "Change Order Nos. 4 and 7 to Contract No. DCAM-17-CS-0049 with District Veterans Contracting Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Order Nos. 4 and 7 to Contract No. DCAM-17-CS-0049, between the Department of General Services and District Veterans Contracting, increasing the aggregate amount of the contract by \$1,430,812.97 from \$7,866,509 to \$9,297,321.97 and authorizes payment to District Veterans Contracting for services provided and to be provided 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 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-379

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To provide, on an emergency basis, that expenditures on school-administered theatrical and music performances, including stipends for non-District of Columbia Public Schools employees, shall be allowable expenditures from a school’s Student Activity Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Activity Fund Theatrical and Music Performance Expenditures Emergency Act of 2020”.

Sec. 2. Use of Student Activity Funds for theatrical and music performances.

(a) Expenditures on school-administered theatrical and music performances, including stipends for non-District of Columbia Public Schools (“DCPS”) employees, but excluding stipends for DCPS employees, shall be an allowable expenditure from a DCPS school’s Student Activity Fund.

(b) For the purposes of this act, the term “theatrical and music performances” means the planning, rehearsal, or presentation of a musical, staged play, choral production, orchestral or band concert, variety show, improvised or sketch comedy performance, or other live performance.

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.

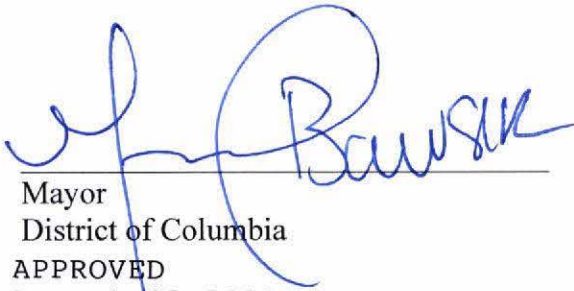
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To approve, on an emergency basis, the reprogramming request of Fiscal Year 2020 capital funds in the amount of \$8,376,301 from the Paid Family Leave IT Application Project to the Department of General Services Military Road School Modernization/Renovation Project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Military Road School Modernization/Renovation Project Reprogramming Emergency Approval Act of 2020".

Sec. 2. (a) Pursuant to section 47-363 of the District of Columbia Official Code, the Mayor transmitted to the Council, on July 23, 2020, a reprogramming request in the amount of \$8,376,301 from the Paid Family Leave IT Application Project to the Department of General Services Military Road School Modernization/Renovation Project.

(b) The Council approves the \$8,376,301 reprogramming request.

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).

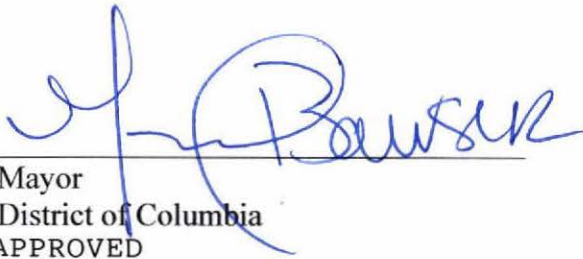
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in 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 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To approve, on an emergency basis, the reprogramming request of Fiscal Year 2020 local funds in the amount of \$11,384,722 within the Department of Parks and Recreation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Parks and Recreation Reprogramming Emergency Approval Act of 2020".

Sec. 2. (a) Pursuant to section 47-363 of the District of Columbia Official Code, the Mayor transmitted to the Council a reprogramming request, on July 28, 2020, in the amount of \$11,384,722 within the Department of Parks and Recreation.

(b) The Council approves the \$11,384,722 reprogramming request.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in 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 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-382

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to require the Board of Elections, for the November 3, 2020, General Election, to operate Vote Centers, operate no fewer than 80 polling places, including one for eligible individuals incarcerated in the Central Detention Facility and Correctional Treatment Facility, mail every registered voter an absentee ballot and postage-paid return envelope, publish and mail a paper voter guide, email registered voters a voter guide and information about the General Election, to require voter registration agencies to promote the Board's plans for the General Election, and to remove the requirement that the Board post a list of qualified electors registered to vote in libraries and public buildings, and for other purposes.

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

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

(a) Section 2(31) (D.C. Official Code § 1-1001.02(31)) is amended by striking the phrase "For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election" and inserting the phrase "For elections held in calendar year 2020" in its place.

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

(1) Paragraph (9) is amended by striking the phrase "polling places" and inserting the phrase "polling places; provided, that for the November 3, 2020, General Election, the Board shall operate no fewer than 80 polling places, including a polling place for individuals incarcerated in the Department of Corrections' custody at the Central Detention Facility and Correctional Treatment Facility, if public health guidance permits" in its place.

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

"(9A-i) For the November 3, 2020, General Election, mail every registered qualified elector an absentee ballot and a postage-paid return envelope;"

(3) Paragraph (12) is amended to read as follows:

"(12) Take all reasonable steps to inform all residents and voters of elections and means of casting votes therein, including by establishing a system to permit voters to elect to

ENROLLED ORIGINAL

receive a voter guide by electronic means in lieu of by mail, if such a guide is published by the Board; provided, that for the November 3, 2020, General Election, the Board shall:

“(A) Publish and mail a paper voter guide; and

“(B) Email registered voters, for whom the Board maintains email addresses, at least once with an electronic voter guide and lay-friendly instructions, separate from the electronic voter guide, about mail-in voting, early voting, polling place locations, how to check polling place wait times, and how to update their voter registration information;”.

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

(1) Subsection (d)(2)(E) is amended by striking the phrase “For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election” and inserting the phrase “For elections held in calendar year 2020” in its place.

(2) Subsection (h)(4) is amended by striking the phrase “the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election” and inserting the phrase “any election held in calendar year 2020” in its place.

(d) Section 8(f) (D.C. Official Code § 1-1001.08(f)) is amended as follows:

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

(2) The newly designated paragraph (1) is amended by striking the phrase “A political party” and inserting the phrase “Except as provided in paragraph (2) of this subsection, a political party” in its place.

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

“(2) For the November 3, 2020, General Election, a political party that does not qualify under subsection (d) of this section may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided that a petition nominating the appropriate number of candidates for presidential electors signed by at least 250 registered qualified electors of the District of Columbia, as shown by the records of the Board as of the 144th day before the date of the presidential election, is presented to the Board on or before the 90th day before the date of the presidential election.”.

(e) Section 9(e) (D.C. Official Code § 1-1001.09(e)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “In sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*), the Board” and inserting the phrase “The Board” in its place.

(2) Paragraph (3) is amended by striking the phrase “not later than 2 days after that election” and inserting the phrase “no earlier than 8 days and no later than 10 days after that election” in its place.

(3) Paragraph (4) is amended by striking the phrase “not later than 2 days after any election” and inserting the phrase “no earlier than 8 days and no later than 10 days after any election” in its place.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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 13, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-383

IN THE COUNCIL OF DISTRICT OF COLUMBIA

AUGUST 13, 2020

To amend, on an emergency basis, section 47-1332 of the District of Columbia Official Code to cancel the tax sale in calendar year 2020, and to require that notice of the cancellation be mailed to affected property owners.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Tax Sale COVID-19 Equitable Emergency Amendment Act of 2020".

Sec. 2. Section 47-1332 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by striking the phrase "(c) and (d)" and inserting the phrase "(c), (d), and (d-1)" in its place.

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

"(d-1)(1) No tax sale shall be held during calendar year 2020.

"(2) The Chief Financial Officer shall mail notice of the cancellation to each person who was mailed a notice of tax delinquency pursuant to § 47-1341(a) to the same address to which the notice of tax delinquency was mailed.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

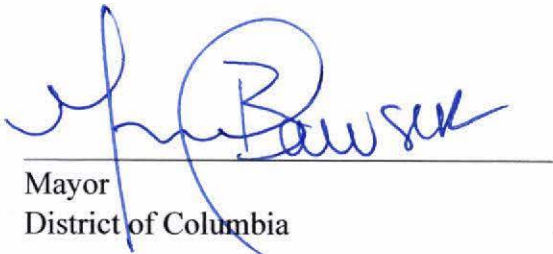
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To require, on an emergency basis, employers to adopt and implement social distancing policies that adheres to Mayor’s Order 2020-080 or subsequent Mayor’s Order, to prohibit retaliation against an employee who refuses to work with or serve an individual who refuses to comply with Mayor’s Order 2020-080, to prohibit retaliation against an employee because the employee tests positive for or is quarantining because of COVID-19, or is caring for someone who has symptoms of or is quarantining because of COVID-19, and to prohibit retaliation against an employee who attempts to exercise any right or protection under title I or to stop or prevent a violation of the worker safety provisions of title I, to authorize the Mayor and Attorney General to administer and enforce workplace and employee protections in title I, to authorize the Attorney General to bring civil actions in a court of competent jurisdiction, to authorize the Chief Procurement Officer to enter into an indefinite duration/indefinite quantity contract to assist eligible businesses in the purchase of personal protective equipment and other supplies related to the containment of COVID-19, to permit federal laws, polices, and standards or a Mayor’s Order that contains stricter personal protective equipment standards, to preempt the terms of title I; and to amend the Small and Certified Business Enterprise Act of 2005 to authorize the Mayor to issue grants for small businesses to purchase or receive reimbursements for the purchase of personal protective equipment for their employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020”.

TITLE I. COVID-19 WORKPLACE SAFETY PROTECTIONS

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Adverse employment action” means an action that an employer takes against an employee, including a threat, verbal warning, written warning, reduction of work hours, suspension, termination, discharge, demotion, harassment, material change in the terms or

ENROLLED ORIGINAL

conditions of the employee's employment, or any action that is reasonably likely to deter the employee from attempting to secure any right or protection contained in this title or to prevent or stop a violation of this title.

(2) "Active COVID-19 infection" means an infection confirmed by a diagnostic test for COVID-19 and not an antibody test.

(3) "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

(4) "Employee" includes any person suffered or permitted to work by an employer.

(5) "Employer" includes every individual, partnership, firm, general contractor, subcontractor, association, corporation, the legal representative of a deceased individual, or the receiver, trustee, or successor of an individual, firm, partnership, general contractor, subcontractor, association, or corporation employing any person in the District of Columbia. The term "employer" shall include the District government or a quasi-governmental agency. The term "employer" shall not include the United States government or its agencies.

(6) "Personal protective equipment" includes face coverings, disposable gloves, eye protection, face shields, disposable gowns or aprons, and plexiglass barriers.

(7) "PPE" means personal protective equipment.

(8) "Public health emergency" means the Coronavirus (COVID-19) public health emergency declared pursuant to Mayor's Order 2020-045, on March 11, 2020, and all subsequent extensions.

(9) "Workplace" means any physical structure or space over which an employer maintains control wherein an employee performs work for an employer; workplace does not include the home of an employee who teleworks.

Sec. 102. Employer policies and workplace protections.

(a) Beginning 7 days after the effective date of this title and during the public health emergency, employers in the District shall adopt and implement social distancing and worker protection policies to prevent transmission of COVID-19 in the workplace that adheres to the requirements of Mayor's Order 2020-080, or subsequent Mayor's Order.

(b)(1) An employer may establish a workplace policy to require an employee to report to the employer a positive test for an active COVID-19 infection.

(2) An employer may not disclose the identity of an employee who tests positive except to the Department of Health or another District or federal agency responsible for and engaged in contact tracing and the containment of community spread of COVID-19.

Sec. 103. Retaliation prohibited.

(a) No employer or agent thereof may take an adverse employment action against an employee for the employee's refusal to serve a customer or client, or to work within 6 feet of an individual, who is not complying with the workplace protections established pursuant to section 102.

ENROLLED ORIGINAL

(b)(1) No employer or agent thereof may take an adverse employment action against an employee because:

- (A) The employee tested positive for COVID-19; provided, that the employee did not physically report to the workplace after receiving a positive test result;
- (B) The employee was exposed to someone with COVID-19 and needs to quarantine;
- (C) The employee is sick and is waiting for a COVID-19 test result; or
- (D) The employee is caring for or seeks to provide care for someone who is sick with COVID-19 symptoms or who is quarantined.

(2) Nothing in this title prohibits an employer from requiring an employee who has tested positive for COVID-19 to refrain from entering the workplace until a medical professional has cleared the employee to return to the workplace or until a period of quarantine recommended by the Department of Health or U.S. Centers for Disease Control has elapsed.

(c) No employer or agent thereof may take an adverse employment action against an employee because of actions the employee takes to secure any right or protection contained in this title or to prevent or stop a violation of this title.

Sec. 104. Enforcement.

(a)(1) The Mayor may enforce and administer this title by conducting investigations (of the Mayor's own volition or after receiving a complaint), holding hearings, and assessing penalties. The Mayor shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceedings before the Mayor.

(2) The Mayor may assess administrative penalties in the following amounts:

(A) For violations of section 102, up to \$50 per violation per employee per day for a repeated or willful violation.

(B) For violations of section 103, up to \$500 per violation.

(b)(1) The Attorney General may enforce this title by conducting investigations (of the Attorney General's own volition or after receiving a complaint) and instituting actions. The Attorney General shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any investigation or proceeding conducted to enforce this title.

(2) The Attorney General, acting in the public interest, including the need to deter future violations, may enforce this title by commencing a civil action in the name of the District of Columbia in a court of competent jurisdiction on behalf of the District or one or more aggrieved employees.

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(3) Upon prevailing in court after commencing a civil action as permitted by this subsection, the Attorney General shall be entitled to:

- (A) Reasonable attorneys' fees and costs;
- (B) Statutory penalties in amount not greater than the maximum administrative penalties provided under subsection (b) of this section;
- (C) On behalf of an aggrieved employee, the payment of lost wages; and
- (D) Equitable relief as may be appropriate.

Sec. 105. Authority of Chief Procurement Officer.

(a)(1) The Chief Procurement Officer ("CPO"), or the CPO's designee, shall have the authority during the public health emergency, and for 90 days thereafter, to enter into an indefinite-delivery/indefinite quantity contract ("IDIQ contract") for PPE, sanitization and cleaning products, related equipment, or other goods or supplies in furtherance of the District's COVID-19 recovery efforts that permit an entity that is, or is similar to, a local business enterprise, as that term is defined in section 2302(12) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(12)) ("CBE Act"), to place orders under the IDIQ contract at the prices specified in the IDIQ contract.

(2) Priority consideration for purchasing through the IDIQ contract shall be given to an eligible entity that is also:

- (A) A small business enterprise, as that term is defined in section 2302(16) of the CBE Act;
- (B) A Resident-owned business, as that term is defined in section 2302(15) of the CBE Act; or
- (C) At least 51% owned by economically disadvantaged individuals, as that term is defined in section 2302(7), or owned by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(b) The CPO, or the CPO's designee, shall monitor and review, and may establish standards, procedures, or rules for, IDIQ contracts entered into pursuant to subsection (a) of this section.

Sec. 106. Preemption.

(a) This title shall only apply to the conduct of employers and employees in the District to the extent it does not conflict with, or is not preempted by, federal law, regulation, or standard.

(b) To the extent a Mayor's Order issued pursuant to sections 5 and 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149, D.C. Official Code §§ 7-2304, 7-2304.01), is related to the wearing of PPE and requires employers,

ENROLLED ORIGINAL

employees, or other individuals to adhere to stricter safety standards, policies, or protocols than those required under section 102, the Mayor's Order shall control.

TITLE II. PERSONAL PROTECTIVE EQUIPMENT GRANT PROGRAM

Sec. 201. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

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

“Sec. 2317. Personal Protective Equipment emergency grant program.”

(b) A new section 2317 is added to read as follows:

“Sec. 2317. Personal protective equipment grant program.

“(a)(1) Beginning October 1, 2020, during the public health emergency, and subject to the availability of funds, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), issue a grant to an eligible small business; provided, that the eligible small business:

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

“(B) Submits a clear statement describing the type and quantities of PPE purchased or to be purchased; and

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

“(2) A grant issued pursuant to this section may be provided in an amount up to \$1,000 per eligible small business for the purchase of or reimbursement for purchases of PPE made on or after the enacted date of the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-870).

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

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

“(d) For the purposes of this section, the term:

“(1) “Eligible small business” means a business enterprise eligible for certification as a small business enterprise under section 2332 or a nonprofit entity.

ENROLLED ORIGINAL

“(2) “Public health emergency” means the Coronavirus (COVID-19) public health emergency declared pursuant to Mayor’s Order 2020-045, on March 11, 2020, and all subsequent extensions.

“(3) “PPE” means personal protective equipment, including face masks, disposable gloves, face shields, and plexiglass barriers.”.

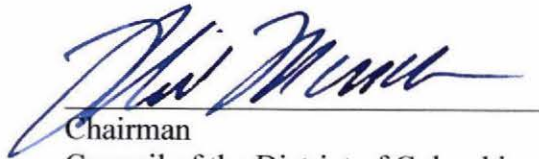
TITLE III. FISCAL IMPACT AND EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

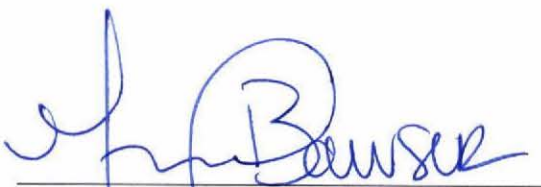
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. 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 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 14, 2020

To provide the Mayor, on an emergency basis, the authority to make a property ineligible for residential parking permits when it is a condition of a zoning order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “RPP Voluntary Exclusion Emergency Act of 2020”.

Sec. 2. RPP voluntary exclusion.

(a) The Mayor may, when a condition of a zoning order, designate a property, including its future residents, as ineligible to obtain residential parking permits.

(b) Before entering into a purchase and sales agreement or lease, an owner of a property that has been designated as ineligible to obtain residential parking permits pursuant to subsection (a) of this section shall:

- (1) Provide written notice of the designation to a buyer or residential tenant; and
- (2) Require the buyer or residential tenant to acknowledge receipt of the notice

required by paragraph (1) of this subsection in writing.

(c) Upon designating a property ineligible to obtain residential parking permits pursuant to subsection (a) of this section, the Mayor shall record with the recorder of deeds a restrictive covenant identifying any such property as ineligible for residential parking permits.

(d)(1) Failure of a property owner to provide written notice of a residential tenant’s inability to obtain a residential parking permit associated with the property shall be grounds for the tenant to be released from obligations under the rental agreement.

(2) Failure of a property owner to provide written notice of a buyer’s inability to obtain a residential parking permit associated with the property shall be considered a material breach of the purchase and sales agreement.

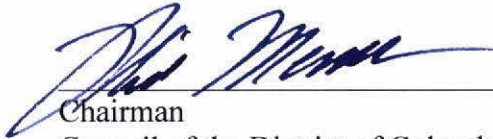
Sec. 3. Fiscal impact statement.

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).

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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

UNSIGNED

Mayor
District of Columbia
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To require hospitals birth centers and pediatric primary care providers to provide notice regarding the danger window blinds and drape cords pose to children.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Window Blind and Drape Cord Safety Notification Act of 2020”.

Sec. 2. Window blind and drape cord safety notification requirement.

(a) Every hospital, birth center, and pediatric primary care provider located in the District of Columbia shall distribute an informational notice provided to it by the Department of Health (“DC Health”) regarding the danger that window blinds and drape cords pose to children and how to avoid those dangers directly to:

- (1) The parent or guardian following the labor and delivery of the parent’s or guardian’s child as a component of the discharge discussion and instruction;
- (2) The person accompanying a child to the child’s 6-month primary care appointment; and
- (3) Upon request, a member of the general public.

(b) The informational notice shall be designed by DC Health and provided to each hospital, birth center, and pediatric primary care provider to distribute in photocopied form to the persons listed in subsection (a) of this section.

(c) DC Health shall make the information contained in the notice available on DC Health’s website and shall provide electronic text to hospitals, birth centers, and pediatric primary care providers.

(d) The informational notice required by subsection (a) of this section shall be either:

- (1) The informational notice created by DC Health in subsection (b) of this section; or
- (2) A similar informational notice approved by DC Health.

Sec. 3. Rules.

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

ENROLLED ORIGINAL

implement the provisions of this act.

Sec. 4. Fiscal impact statement.

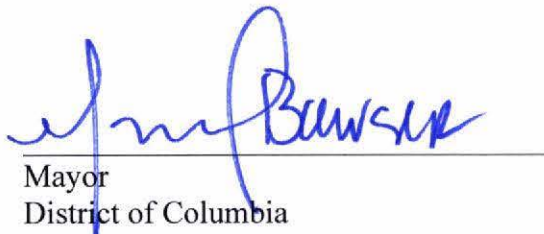
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To amend the District of Columbia Prescription Drug Price Information Act to authorize licensed pharmacists to dispense interchangeable biological products, and to require notifications to physicians, with certain exceptions, when interchangeable biological products are dispensed.

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

Sec. 2. The District of Columbia Prescription Drug Price Information Act, effective September 10, 1976 (D.C. Law 1-81; D.C. Official Code § 48-801.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-804.51) is amended by adding new paragraphs (1A) and (2A) to read as follows:

"(1A) "Biological product" shall have the same meaning as provided in 42 U.S.C. § 262.

"(2A) "Interchangeable biological product" means a biological product that is:

"(A) Licensed and determined by the United States Food and Drug Administration to meet the standards for interchangeability under 42 U.S.C. § 262(k)(4); or

"(B) Determined to be biosimilar to and interchangeable with a reference biological product as stated in the latest edition of, or supplement to, the United States and Food and Drug administration's ("FDA") publication, "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations" (known as the Purple Book)."

(b) Section 301 (D.C. Official Code § 48-803.01) is amended by adding a new subsection (d) to read as follows:

"(d) The Board of Pharmacy and the Board of Medicine shall maintain a link on their websites to the current list of biological products determined by the FDA to be interchangeable with a specific biological product."

(c) Section 302 (D.C. Official Code § 48-803.02) is amended as follows:

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

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“Sec. 302. Dispensing of generically equivalent drug product or interchangeable biological product.”

(2) Subsection (a) is amended by striking the phrase “generically equivalent drug product” wherever it appears and inserting the phrase “generically equivalent drug product or interchangeable biological product” in its place.

(3) Subsection (b) is amended by striking the phrase “drug by generic name” and inserting the phrase “drug by generic name or interchangeable biological product” in its place.

(d) Section 303(2) (D.C. Official Code § 48-803.03(2)) is amended by striking the phrase “generically equivalent drug product” and inserting the phrase “generically equivalent drug product or interchangeable biological product” in its place.

(e) Section 303a(a) (D.C. Official Code § 48-803.03a(a)) is amended by striking the phrase “drug substitution” and inserting the phrase “drug substitution, including an interchangeable biological product,” in its place.

(f) Section 304 (D.C. Official Code § 48-803.04) is amended by striking the phrase “substituted under this title,” and inserting the phrase “substituted under this title, including the substitution of an interchangeable biological product,” in its place.

(g) Section 305 (D.C. Official Code § 48-803.05) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “under this title” and inserting the phrase “under this title, including the substitution of an interchangeable biological product” in its place.

(2) Subsection (b) is amended by striking the phrase “generically equivalent drug products drugs” and inserting the phrase “generically equivalent drugs products or an interchangeable biological product” in its place.

(h) A new section 306 is added to read as follows:

“Sec. 306. Pharmacist notification to prescriber of substitution of interchangeable biological product.

“(a) Within 5 business days after dispensing a biological product to a patient, the dispensing pharmacist or the pharmacist’s designee shall communicate to the prescriber the specific biological product dispensed, including the name and manufacturer of the biological product; except, that this communication shall not be required if the FDA has not approved an interchangeable biological product for the biological product prescribed to the patient or a refill prescription is not changed from the biological product dispensed on the most recent filling of the prescription.

“(b)(1) Except as provided under subsection (c) of this section, the communication required under subsection (a) of this section shall be provided by making an entry that is electronically accessible to the health care provider through:

“(A) An interoperable electronic medical records system;

“(B) An electronic prescribing technology; or

“(C) A pharmacy benefits management system.

ENROLLED ORIGINAL

“(2) Making an entry through a mechanism listed in paragraph (1) of this subsection shall be presumed to provide the communication to the prescriber required under subsection (a) of this section.

“(c) If the mechanisms listed in subsection (b)(1) of this section are unavailable, the communication required under subsection (a) of this section may be provided by facsimile, telephone, electronic transmission, or other means.


“(d) The requirements under subsections (a) through (c) of this section shall not apply to dispensing pharmacists or their designees at a health maintenance organization that operates as a group model for services furnished through internal pharmacy operations for members and patients of the health maintenance organization.”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To amend Chapter 40 of Title 28 of the District of Columbia Official Code to expand the definition of medical clearance to include all licensed physicians, to allow a minor to receive medical clearance from any licensed physician if the minor has not had a substantial change in clinical status, and to provide that a registrant may sell a hearing aid to a person 18 years of age or older and the person may purchase a hearing aid without having had a medical examination or hearing test evaluation by providing a written waiver of the examination and evaluation.

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

Sec. 2. Chapter 40 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-4001(5) is amended by striking the phrase "an otolaryngologist," and inserting the phrase "a licensed physician" in its place.

(b) Section 28-4004(a) is amended to read as follows:

“(a) No registrant shall fit, offer for sale, or sell a hearing aid to:

“(1) A minor under 18 years of age unless, within the preceding 6 months, the minor has had a hearing test evaluation; and:

“(A) Received a medical clearance by an otolaryngologist, which shall be required for an initial evaluation of hearing loss; or

“(B) Received a medical clearance, which indicates there has not been a substantial change in clinical status.

“(2) A person 18 years of age or older unless, within the preceding 6 months, the person has:

“(A) Received a medical clearance and a hearing test evaluation, which shall be required for an initial evaluation of hearing loss; or

ENROLLED ORIGINAL

“(B) Signed a waiver form created or approved by the Department of Health stating that the person:

“(i) Has a history of stable hearing loss that does not require medical management; and

“(ii) Has waived having a medical examination and hearing test evaluation.”.

Sec. 3. Rules.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To require health insurers to provide a special enrollment period after an individual learns the individual is pregnant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pregnancy as a Qualifying Event Act of 2020".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Health insurer" means a person that provides one or more health benefit plans or insurance in the District of Columbia, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(2) "Open enrollment period" means the yearly period during which a person can enroll in a health insurance plan.

(3) "Special enrollment period" means any time a person has the option to enroll in or change their health insurance outside of the open enrollment period.

Sec. 3. Pregnancy as a qualifying event.

(a) A health insurer shall allow for a special enrollment period for a pregnant individual for:

(1) Sixty days when offering individual health insurance coverage from the date of confirmation of pregnancy, as certified by a licensed healthcare professional acting within the scope of the professional's practice; and

(2) At least 30 days when offering group health insurance coverage from the date of confirmation of pregnancy, as certified by a licensed healthcare professional acting within the scope of the professional's practice.

(b) Coverage shall be effective as of the first of the month in which the health care professional certifies the individual is pregnant, unless the individual elects to have coverage

ENROLLED ORIGINAL

effective on the first day of the month following the date that the individual makes a plan selection.

Sec. 4. Fiscal impact statement.

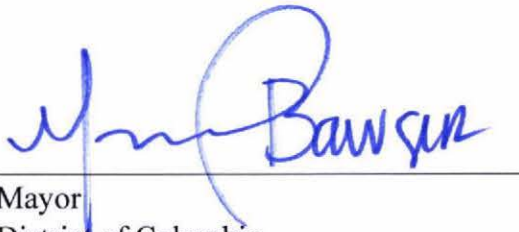
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-390

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 14, 2020

To amend the Telehealth Reimbursement Act of 2013 to extend postpartum inpatient and outpatient benefits to at least a year after childbirth, and to require the Mayor to seek approval from the Centers for Medicare and Medicaid Services that all health policies offered through the District’s Medicaid program cover inpatient and outpatient maternity and newborn care for at least one year after childbirth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Postpartum Coverage Expansion Amendment Act of 2020”.

Sec. 2. The Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-3861) is amended by adding a new paragraph (2A) to read as follows:

“(2A) “Postpartum” means the time after delivery when maternal physiological changes related to pregnancy return to the nonpregnant state, which may last for as long as 12 months after delivery.”.

(b) A new section 3a is added to read as follows:

“Sec. 3a. Postpartum maternal health services.

“Health insurance coverage through Medicaid or the D.C. Healthcare Alliance program shall cover and reimburse health care services and expenses for:

“(1) Home visits via telehealth, face-to-face interaction, or digital health for a pregnant woman; and

“(2) Provider delivered digital health interventions that are used to directly manage a patient’s pregnancy.”.

Sec. 3. Postpartum maternal health insurance coverage.

By October 1, 2020, the Mayor shall seek approval from the Centers for Medicare and Medicaid Services, within United States Department of Health and Human Services, through a

ENROLLED ORIGINAL

waiver request, of the requirement that all health policies offered through the District's Medicaid program cover inpatient and outpatient maternity and newborn care for at least one year after childbirth.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

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


(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact a statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16,2006 (120 Stat. 2038; D.C. official Code Section 1-201.47.

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia

August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To symbolically designate, on a temporary basis, 16th Street, N.W., between H Street, N.W., and K Street, N.W., in Ward 2, as Black Lives Matter Plaza.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Black Lives Matter Plaza Designation Temporary Act of 2020”.

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

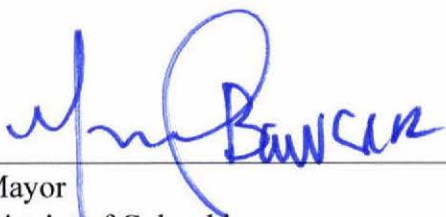
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To require, on a temporary basis, the Department of Insurance, Securities, and Banking to provide for the licensing of certain entities providing appraisal management services in the District of Columbia and to require an annual registration fee to be paid by those entities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Appraisal Management Company Regulation Temporary Act of 2020".

TITLE I. APPRAISAL MANAGEMENT COMPANY REGULATIONS

Sec. 101. Definitions.

For purposes of this act, the term:

(1) "Affiliate" means any company that controls, is controlled by, or is under common control of another company.

(2) "AMC National Registry" means the registry of state-registered appraisal management companies and federally regulated appraisal management companies maintained by the Appraisal Subcommittee.

(3) "Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

(4) "Appraisal management company" means a person, not including a department or division of an entity that provides appraisal management services only to that entity, that:

(A)(i) Provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates; or

(ii) Provides appraisal management services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and

(B) At any time in a 12-calendar month period oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more state-certified or state-licensed appraisers in 2 or more states, as described in section 103.

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- (5) "Appraisal management services" means one or more of the following:
- (A) Recruiting, selecting, and retaining appraisers;
 - (B) Contracting with state-certified or state-licensed appraisers to perform appraisal assignments;
 - (C) Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants, collecting fees from creditors and secondary market participants for services provided, and paying appraisers for services performed; and
 - (D) Reviewing and verifying the work of appraisers.
- (6) "Appraisal panel" means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. Appraisers on an appraiser panel include both appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions, and appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contractor or if the appraiser is treated as an independent contractor by the appraisal management company for purposes of federal income taxation.
- (7) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment and is related to the appraiser's data collection, analysis, opinions, conclusions, estimate of value, or compliance with the uniform standards of professional appraisal practice. This term does not include:
- (A) A general examination for grammatical, typographical, or other similar errors;
 - (B) A general examination for completeness, including regulatory or client requirements as specified in the agreement process that does not communicate an opinion of value.
- (8) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.
- (9) "Consumer credit" means credit offered or extended to a consumer primarily for personal, family, or household purposes.
- (10) "Controlling person" means:
- (A) An officer, director, or owner of greater than a 10% interest of a corporation, partnership, or other business entity seeking to act as an appraisal management company;

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(B) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter a contractual relationship with other persons for the performance of services requiring registration as an appraisal management company and has the authority to enter agreements with appraisers for the performance of appraisals; or

(C) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management of policies of an appraisal management company.

(11) "Covered transaction" means any consumer credit transaction secured by the consumer's principal dwelling.

(12) "Creditor" means a person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than 4 installments (not including a down payment), and to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is no note or contract. A person regularly extends consumer credit if, in any 12-month period, the person originates more than one credit extension for transactions secured by a dwelling.

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

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

(15) "Dwelling" means a residential structure that contains one to 4 units, regardless of whether that structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobile home, and trailer, if it is used as a residence.

(16) "Federal financial institutions regulatory agency" includes the Consumer Financial Protection Bureau, the Federal Housing Finance Agency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the National Credit Union Administration.

(17) "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in section 3(c)(2) of the Federal Deposit Insurance Act, approved September 21, 1950 (64 Stat. 873; 12 U.S.C. § 1813(c)(2)), and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration.

(18) "Federally regulated transaction regulations" means regulations established by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration, pursuant to sections 1112, 1113, and 1114 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, approved August 9, 1989 (103 Stat. 183; 12 U.S.C. §§ 3341-3343).

(19) "Federally related transaction" means any real-estate-related financial transaction that involves an insured depository institution regulated by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal

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Deposit Insurance Corporation, or National Credit Union Administration and that requires the services of an appraiser under the interagency appraisal rules.

(20) "Person" means a natural person or an organization, including a corporation, partnership, proprietorship, association, cooperative, estate, trust, or government unit.

(21) "Principal dwelling" means the primary residence of a consumer. For purposes of this act, a consumer may only have one principal dwelling. A vacation or other second home shall not be considered a principal dwelling. However, if a consumer buys or builds a new dwelling that will become the consumer's primary residence within one year or upon completion of the construction, the new residence shall be considered the principal dwelling for purposes of this act.

(22) "Real-estate-related financial transaction" means any transaction involving the sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof; the refinancing of real property or interests in real property; or the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

(23) "Secondary mortgage market participant" means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. The term includes an individual investor in a mortgage-backed security only if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security.

(24) "State" includes the District of Columbia.

(25) "Uniform Standards of Professional Appraisal Practice" or "USPAP" means the appraisal standards as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Sec. 102. Administration.

(a) The Department shall have the authority to adopt rules that are reasonably necessary to establish an appraisal management company licensing program and implement, administer, and enforce the provisions set forth under this act.

(b) The Department shall charge appraisal management companies operating in the District reasonable fees to administer this act. The Department's fees shall be established by rule.

(c) The Department shall perform the following functions:

(1) Review and approve or deny an appraisal management company's application for initial registration in the District;

(2) Periodically review and renew or review and deny an appraisal management company's registration;

(3) Examine the books and records of an appraisal management company operating in the District and require the appraisal management company to submit reports, information, and documents;

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(4) Verify that the appraisers on the appraiser panel of an appraisal management company operating in the District hold valid District certifications or licenses, as applicable;

(5) Conduct investigations of appraisal management companies operating in the District to assess potential violations of applicable appraisal-related laws, regulations, or orders; and

(6) Report an appraisal management company's violation of applicable appraisal-related laws, regulations, or orders, as well as disciplinary and enforcement actions and other relevant information about the operations of an appraisal management company operating in the District.

(d) The Department shall impose requirements on appraisal management companies operating in the District that are not owned and controlled by an insured depository institution and not regulated by a federal financial institutions regulatory agency to:

(1) Register with and be subject to supervision by the Department;

(2) Engage only state-certified or state-licensed appraisers for federally related transactions in conformity with any federally regulated transaction regulations;

(3) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type;

(4) Direct appraisers to perform assignments in accordance with Uniform Standards of Professional Appraisal Practice; and

(5) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts its appraisal management services in accordance with the requirements of section 129E(a)-(i) of the Truth in Lending Act, approved July 21, 2010 (124 Stat. 2187; 15 U.S.C. § 1639e(a)-(i)), and regulations thereunder.

(e) The Department shall maintain a list of the appraisal management companies that are registered in the District.

(f) The Department shall issue a unique registration number to each appraisal management company that is registered in the District pursuant to regulations or guidance promulgated by the Department.

(g) The Department shall require an appraisal management company registered in the District to place its registration number on engagement documents utilized by the appraisal management company to procure appraisal services in the District.

Sec. 103. Appraisal panel size and calculation.

(a) For purposes of determining whether a person is an appraisal management company within the meaning of section 101(4), an appraiser is deemed part of an appraiser panel as of the earliest date on which the person overseeing the appraisal panel:

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(1) Accepts the appraiser for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; or

(2) Engages the appraiser to perform one or more appraisals on behalf of a creditor for covered transactions or secondary mortgage market participant in connection with covered transactions.

(b) An appraiser who is deemed part of an appraiser panel pursuant to subsection (a) of this section is deemed to remain on the panel until the date on which the person overseeing the appraisal panel:

(1) Sends written notice to the appraiser removing the appraiser from the appraiser panel, with an explanation of its action; or

(2) Receives written notice from the appraiser asking to be removed from the appraiser panel or notice of the death or incapacity of the appraiser.

(c) If an appraiser is removed from an appraiser panel pursuant to subsection (b)(2) of this section, but the person overseeing the appraisal panel subsequently accepts the appraiser for consideration for future assignments or engages the appraiser at any time during the 12 months after the appraiser's removal, the removal will be deemed not to have occurred, and the appraiser will be deemed to have been part of the appraiser panel without interruption.

Sec. 104. Registration.

(a) It shall be unlawful for a person to directly or indirectly engage or to attempt to engage in business as an appraisal management company in the District, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in the District without first obtaining a registration issued by the Department.

(b) An applicant for registration as an appraisal management company in the District shall submit to the Department an application on forms prescribed by the Department and pay a fee established by the Department. The forms shall require information necessary to determine eligibility for registration.

(c) Upon registration of an appraisal management company in the District, the Department may require a surety bond of not more than \$25,000.

Sec. 105. Reporting requirements.

(a) The Department shall collect from each appraisal management company registered or seeking to be registered in the District the information and fees that the Department requires to be submitted to it pursuant to regulations or guidance promulgated by the Department.

(b) A federally regulated appraisal management company operating in the District must report to the Department the information required to be submitted by the District to the Appraisal Subcommittee, pursuant to the Appraisal Subcommittee's policies regarding the determination of

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the appraisal management company National Registry fee. These reporting requirements will be set forth by the Department by rule, and will include:

- (1) A report to the Department on a form prescribed by the Department of intent to operate in the District of Columbia;
- (2) Information related to whether the appraisal management company is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state for a substantive cause, as determined by the Appraisal Subcommittee; and
- (3) If such a person has had such action taken on his or her appraisal license, information related to whether the license was revoked for a substantive cause and whether it has been reinstated by the state or states in which the appraiser was licensed or certified.

Sec. 106. Appraisal management company requirements.

(a) An appraisal management company operating in the District shall meet the following requirements at all times:

(1) At the time of applying for registration or renewing registration in the District, the appraisal management company shall designate one of its controlling persons to serve as the main contact for all communication between the Department and the company. The designated controlling person shall:

(A) Remain in good standing in the District and in any other state that has issued the controlling person an appraiser license or certification; however, nothing in this act shall require that a designated controlling person hold or continue to hold an appraiser license or certification in any jurisdiction;

(B) Never have had an appraiser license or certification in the District or any other state refused, denied, canceled, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently reinstated or granted; and

(C) Be of good moral character;

(2) Before or at the time of placing an assignment to appraise real property in the District with an appraiser on the appraiser panel of the appraisal management company, the appraisal management company shall verify that the appraiser receiving the assignment holds an appraiser license or certification in good standing in the District;

(3) Any employee of or independent contractor to the appraisal management company who performs an appraisal review for a property located in the District must be a certified or licensed appraiser in good standing in the District; and

(4) An appraisal management company registered in the District shall place its registration number on engagement documents utilized by the appraisal management company to procure appraisal services in the District of Columbia.

(b) An appraisal management company that has a reasonable basis to believe an appraiser has materially failed to comply with applicable laws or rules or has materially violated the

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USPAP shall refer the matter to the Department in conformance with applicable federal laws and regulations.

Sec. 107. Verification of licensure or certification.

(a) An appraisal management company registered in the District may not enter into any contract or agreement with an appraiser for the performance of appraisals in the District unless the company verifies that the appraiser is licensed or certified in good standing in the District.

(b) An appraisal management company seeking to be registered or to renew a registration in the District shall certify to the Department on a form prescribed by the Department that the company has a system and process in place to verify that an individual being added to the appraiser panel of the company for appraisal services holds an appraiser license or certification in good standing in the District.

Sec. 108. Retention of records.

(a) Each appraisal management company seeking to be registered or to renew an existing registration in the District shall certify to the Department on a form prescribed by the Department that the company maintains a detailed record of each service request that the company receives for appraisals of real property located in the District.

(b) An appraisal management company registered in the District shall retain all records required to be maintained under this act for at least 5 years after the file is submitted to the appraisal management company or for at least 2 years after final disposition of any related judicial proceeding of which the appraisal management company is provided notice, whichever period expires later.

(c) All records required to be maintained by the registered appraisal management company shall be made available for inspection by the Department on reasonable notice to the appraisal management company.

Sec. 109. Payment to appraisers.

(a) An appraisal management company shall, except in bona fide cases of breach of contract or substandard performance of services, make payment to an independent appraiser for the completion of an appraisal or valuation assignment no later than 45 days after the date on which the appraiser transmits or otherwise provides the completed appraisal or valuation assignment to the company or its assignee unless a mutually agreed-upon alternate arrangement previously has been established.

(b) An appraisal management company seeking to be registered or to renew an existing registration in the District shall certify that the company will require appraisals to be conducted independently as required by the appraisal independence standards under section 129E of the Truth in Lending Act, approved July 21, 2010 (124 Stat. 2187; 15 U.S.C. § 1639e), including the requirement that a customary and reasonable fee be paid to an independent appraiser who

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completes an appraisal in connection with a consumer credit transaction secured by a principal dwelling.

Sec. 110. Prohibited conduct.

A violation of this section may constitute grounds for discipline against an appraisal management company registered in the District. However, nothing in this act shall prevent an appraisal management company from requesting that an appraiser provide additional information about the basis for a valuation, correct objective factual errors in an appraisal report, or consider additional appropriate property information. No employee, director, officer, agent, independent contractor, or other third party acting on behalf of an appraisal management company may do any of the following:

(1) Procure or attempt to procure a registration or renewal by knowingly making a false statement, submitting false information, or refusing to provide complete information in response to a question in an application for registration or renewal;

(2) Willfully violate this act or rules of the Department pertaining to this act;

(3) Improperly influence or attempt to improperly influence the development, reporting, result, or review of an appraisal through intimidation, coercion, extortion, bribery, or any other manner, including:

(A) Withholding payment for appraisal services;

(B) Threatening to exclude an appraiser from future work or threatening to demote or terminate the appraiser in order to improperly obtain a desired result;

(C) Conditioning payment of an appraisal fee upon the opinion, conclusion, or valuation to be reached by the appraiser; or

(D) Requesting that an appraiser report a predetermined opinion, conclusion, or valuation, or the desired valuation of any person or entity;

(4) Alter, amend, or change an appraisal report submitted by an appraiser without the appraiser's knowledge and written consent;

(5) Except within the first 90 days after an independent appraiser is added to an appraiser panel, remove an independent appraiser from an appraiser panel without prior written notice to the appraiser, with the prior written notice including evidence of the following, if applicable:

(A) The appraiser's illegal conduct;

(B) A violation of USPAP, this act, or the rules adopted by the Department pursuant to this act;

(C) Improper or unprofessional conduct; or

(D) Substandard performance or other substantive deficiencies;

(6) Require an appraiser to sign any indemnification agreement that would require the appraiser to defend and hold harmless the appraisal management company or any of its agents or employees for any liability, damage, losses, or claims arising out of the services

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performed by the appraisal management company or its agents, employees, or independent contractors and not the services performed by the appraiser;

(7) Prohibit lawful communications between the appraiser and any other person whom the appraiser, in the appraiser's professional judgment, believes possesses information that would be relevant;

(8) Fail to timely respond to any subpoena or any other request for information;

(9) Fail to timely obey an administrative order of the Department; or

(10) Fail to fully cooperate in any investigation.

Sec. 111. Disciplinary proceedings.

The Department may deny, suspend, or revoke the registration of an appraisal management company, impose a monetary penalty of an amount not to exceed \$5,000 per violation, issue a letter of reprimand, refuse to issue or renew the registration of an appraisal management company, or take other disciplinary action against an appraisal management company when an appraisal management company engages in conduct prohibited under section 110.

Sec. 112. Criminal history checks.

The Department shall require any controlling person or persons to submit to a criminal history record check. All costs associated with obtaining a background check shall be the responsibility of the appraisal management company.

TITLE II. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 201. 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. 202. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 13, 2020

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AN ACT

D.C. ACT 23-393

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To amend, on a temporary 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 Temporary 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:

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“(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;

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“(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;

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- “(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.”.

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

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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).

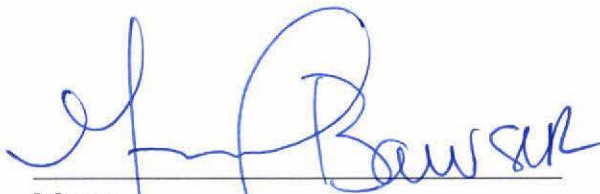
Sec. 7. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-394

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To amend, on a temporary 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 Temporary 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;

“(D) Air and thrombotic embolism;

“(E) Amniotic fluid embolism;

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- “(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.

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


ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-395

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 13, 2020

To amend, on a temporary 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 Temporary 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

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

ENROLLED ORIGINAL

(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.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
August 13, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-396

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To require, on a temporary basis, for the length of the public health emergency and for 90 days thereafter, the tolling of all time periods for holders of a commercial policy of insurance to exercise their rights under the policy or District law for losses covered under the existing policy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commercial Insurance Claim Tolling Temporary Act of 2020”.

Sec. 2. Tolling of deadlines under commercial insurance policies.

(a) Notwithstanding any provision of District law and notwithstanding the terms of any policy of insurance subject to this section, for commercial policies of insurance issued by a licensed insurer, in force as of March 25, 2020, and that include coverage under the existing policy for losses in the District, the running of all time periods for policy holders to exercise rights under a policy or District law for a claim for a loss shall be tolled during the period of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 90 days thereafter.

(b) For the purposes of this section, the term “loss” means physical loss of property, loss of use of property, loss of occupancy, property damage, loss of income, incurred expenses, and other business interruption losses.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

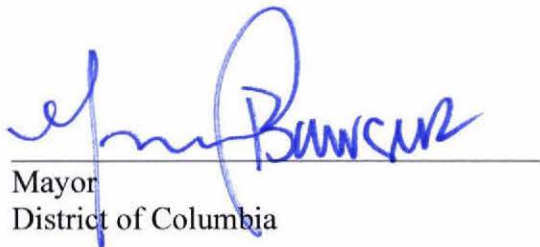
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-397

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To amend, on a temporary basis, the Business Improvement District Act of 1996 to provide the taxable properties located in the Adams Morgan Business Improvement District an abatement in full of the Business Improvement District taxes assessed for the period October 1, 2020, through March 31, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Adams Morgan BID Tax Temporary Amendment Act of 2020”.

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

“(d) Notwithstanding any other provision of law, the taxable properties in the Adams Morgan BID shall receive an abatement in full of the BID taxes assessed for the period October 1, 2020, through March 31, 2021.”.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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


ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-398

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To amend, on a temporary basis, Chapter 48 of Title 16 of the District of Columbia Official Code to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be, subject to an adverse immigration action or who has been exposed to COVID-19, to make short-term plans for a child without terminating or limiting that person’s parental or custodial rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Standby Guardian Temporary Amendment Act of 2020”.

Sec. 2. Chapter 48 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-4801 is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “or who is periodically incapable of caring for the needs of a child due to the parent’s incapacity or debilitation resulting from illness,” and inserting the phrase “who is periodically incapable of caring for the needs of a child due to the parent’s incapacity or debilitation resulting from illness, or who may be subject to an adverse immigration action,” in its place.

(2) Paragraph (2) is amended by striking “ill parents” and inserting “parents who may be ill or subject to an adverse immigration action” in its place.

(b) Section 16-4802 is amended as follows:

(1) Paragraph (1) is redesignated as Paragraph (1A).

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

“(1) “Adverse immigration action” includes any of the following events:

“(A) Arrest or apprehension by any local, state, or federal law enforcement officer for an alleged violation of federal immigration law;

“(B) Arrest, detention, or custody by the Department of Homeland Security or a federal, state, or local agency authorized or acting on behalf of the Department of Homeland Security;

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“(C) Departure from the United States under an order of removal, deportation, exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure;

“(D) The denial, revocation, or delay of the issuance of a visa or transportation letter by the Department of State;

“(E) The denial, revocation, or delay of the issuance of a parole document or reentry permit by the Department of Homeland Security; or

“(F) The denial of admission or entry into the United States by the Department of Homeland Security or a local or state officer acting on behalf of the Department of Homeland Security.”.

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

“(5A) “COVID-19” means the disease caused by the novel coronavirus SARS-CoV-2.”.

(4) Paragraph (6) is amended to read as follows:

“(6) “Deilitation” means those periods when a person cannot care for that person’s minor child as a result of:

“(A) A chronic condition caused by physical illness, disease, or injury from which, to a reasonable degree of probability, the designator may not recover; or

“(B) A serious medical condition caused by COVID-19.”.

(5) Paragraph (8) is amended by striking the phrase “, who has been diagnosed, in writing, by a licensed clinician to suffer from a chronic condition caused by injury, disease, or illness from which, to a reasonable degree of probability, the designator may not recover.” and inserting a period in its place.

(6) Paragraph (10) is amended to read as follows:

“(10) “Incapacity” means:

“(A) A chronic and substantial inability, as a result of a mental or organic impairment, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child; or

“(B) A substantial inability, as a result of COVID-19, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child.”.

(7) Paragraph (13) is amended to read as follows:

“(13) “Triggering event” means any of the following events:

“(A) The designator is subject to an adverse immigration action;

“(B) The designator has been diagnosed, in writing, by a licensed clinician to suffer from a chronic condition caused by injury, disease, or illness from which, to a reasonable degree of probability, the designator may not recover and the designator:

“(i) Becomes debilitated, with the designator’s written acknowledgement of debilitation and consent to commencement of the standby guardianship;

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“(ii) Becomes incapacitated as determined by an attending clinician; or

“(iii) Dies; or

“(C) The designator has been diagnosed, in writing, by a licensed clinician to suffer from COVID-19 and the designator:

“(i) Becomes debilitated, with the designator’s written acknowledgement of debilitation and consent to commencement of the standby guardianship;

“(ii) Becomes incapacitated as determined by an attending clinician; or

“(iii) Dies.”.

(c) Section 16-4804(a) is amended by striking the phrase “the designator’s health” and inserting the phrase “the designator’s health or immigration status” in its place.

(d) Section 16-4805(b) is amended as follows:

(1) Paragraph (3) is amended as follows:

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

(B) Subparagraph (C) is amended by striking the semicolon and inserting the phrase “; or” in its place.

(C) A new subparagraph (D) is added to read as follows:

“(D) An adverse immigration action against the designator;”.

(2) Paragraph (4) is amended by striking the phrase “that the designator suffers” and inserting the phrase “that the designator experienced an adverse immigration action or suffers” in its place.

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

“(7A) If an adverse immigration action is the triggering event, documentation demonstrating that an adverse immigration action occurred;”.

(e) Section 16-4806 is amended as follows:

(1) Subsection (b) is amended by striking the phrase “or dies.” and inserting the phrase “dies, or is subject to an adverse immigration action.” in its place.

(2) Subsection (c) 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) The documentation demonstrating that an adverse immigration action occurred against the designator.”.

(3) Subsection (1) is amended by striking the phrase “medically unable to appear” and inserting the phrase “unable to appear for medical reasons or due to an adverse immigration

ENROLLED ORIGINAL

action” 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.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-399

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To provide, on a temporary basis, for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020”.

TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY
 SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

“Sec. 2. The Council of the District of Columbia finds and declares that law enforcement and special police officer use of neck restraints constitutes the use of lethal and excessive force. This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in cities and states across the world, including in the District, have taken to the streets to peacefully protest injustice, racism, and police brutality against Black people and other people of color. Police brutality is abhorrent and does not reflect the District’s values. It is the intent of the Council in the enactment of this act to unequivocally ban the use of neck restraints by law enforcement and special police officers.”.

(b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

- (1) Paragraph (1) is repealed.
- (2) Paragraph (2) is repealed.
- (3) A new paragraph (3) is added to read as follows:

“(3) “Neck restraint” means the use of any body part or object to attempt to control or disable a person by applying pressure against the person’s neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or restricting their blood flow or breathing.”.

(c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

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“Sec. 4. Unlawful use of neck restraints by law enforcement officers and special police officers.

“(a) It shall be unlawful for:

“(1) Any law enforcement officer or special police officer (“officer”) to apply a neck restraint; and

“(2) Any officer who applies a neck restraint and any officer who is able to observe another officer’s application of a neck restraint to fail to:

“(A) Immediately render, or cause to be rendered, first aid on the person on whom the neck restraint was applied; or

“(B) Immediately request emergency medical services for the person on whom the neck restraint was applied.

“(b) Any officer who violates the provisions of subsection (a) of this section shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 10 years, or both.”.

Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking the phrase “trachea and carotid artery holds” and inserting the phrase “neck restraints” in its place.

SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO RECORDINGS

Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is amended as follows:

(a) Subsection (a)(3) is amended by striking the phrase “interactions;” and inserting the phrase “interactions, and the results of those internal investigations, including any discipline imposed;” in its place.

(b) New subsections (c), (d), and (e) are added to read as follows:

“(c)(1) Notwithstanding any other law:

“(A) Within 5 business days after a request from the Chairperson of the Council Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan Police Department shall provide unredacted copies of the requested body-worn camera recordings to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed by the Chairperson or the Council;

“(B) The Mayor:

“(i) Shall, except as provided in paragraph (2) of this subsection:

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“(I) Within 5 business days after an officer-involved death or the serious use of force, publicly release the names and body-worn camera recordings of all officers who committed the officer-involved death or serious use of force; and

“(II) By August 15, 2020, publicly release the names and body-worn camera recordings of all officers who have committed an officer-involved death since the Body-Worn Camera Program was launched on October 1, 2014; and

“(ii) May, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the United States Attorney's Office for the District of Columbia, and the Office of the Attorney General, publicly release any other body-worn camera recordings that may not otherwise be releasable pursuant to a FOIA request.

“(2)(A) The Mayor shall not release a body-worn camera recording pursuant to paragraph (1)(B)(i) of this subsection if the following persons inform the Mayor, orally or in writing, that they do not consent to its release:

“(i) For a body-worn camera recording of an officer-involved death, the decedent's next of kin; and

“(ii) For a body-worn camera recording of a serious use of force, the individual against whom the serious use of force was used, or if the individual is a minor or unable to consent, the individual's next of kin.

“(B)(i) In the event of a disagreement between the persons who must consent to the release of a body-worn camera recording pursuant to subparagraph (A) of this paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

“(ii) The Superior Court of the District of Columbia shall order the release of the body-worn camera recording if it finds that the release is in the interests of justice.

“(d) Before publicly releasing a body-worn camera recording of an officer-involved death, the Metropolitan Police Department shall:

“(1) Consult with an organization with expertise in trauma and grief on best practices for creating an opportunity for the decedent's next of kin to view the body-worn camera recording in advance of its release;

“(2) Notify the decedent's next of kin of its impending release, including the date when it will be released; and

“(3) Offer the decedent's next of kin the opportunity to view the body-worn camera recording privately in a non-law enforcement setting in advance of its release, and if the next of kin wish to so view the body-worn camera recording, facilitate its viewing.

“(e) For the purposes of this subsection, the term:

“(1) “FOIA” means Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);

“(2) “Next of kin” shall mean the priority for next of kin as provided in Metropolitan Police Department General Order 401.08, or its successor directive; and

“(3) “Serious use of force” shall have the same meaning as that term is defined in MPD General Order 901.07, or its successor directive.”.

ENROLLED ORIGINAL

Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 3900 is amended as follows:

(1) Subsection 3900.9 is amended to read as follows:

“3900.9. Members may not review their BWC recordings or BWC recordings that have been shared with them to assist in initial report writing.”.

(2) Subsection 3900.10 is amended to read as follows:

“3900.10. (a) Notwithstanding any other law, the Mayor:

“(1) Shall, except as provided in paragraph (b) of this subsection:

“(A) Within 5 business days after an officer-involved death or the serious use of force, publicly release the names and BWC recordings of all officers who committed the officer-involved death or serious use of force; and

“(B) By August 15, 2020, publicly release the names and BWC recordings of all officers who have committed an officer-involved death since the BWC Program was launched on October 1, 2014; and

“(2) May, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the United States Attorney's Office for the District of Columbia, and the Office of the Attorney General, publicly release any other BWC recordings that may not otherwise be releasable pursuant to a FOIA request.

“(b)(1) The Mayor shall not release a BWC recording pursuant to paragraph (a)(1) of this subsection if the following persons inform the Mayor, orally or in writing, that they do not consent to its release:

“(A) For a BWC recording of an officer-involved death, the decedent's next of kin; and

“(B) For a BWC recording of a serious use of force, the individual against whom the serious use of force was used, or if the individual is a minor or is unable to consent, the individual's next of kin.

“(2)(A) In the event of a disagreement between the persons who must consent to the release of a BWC recording pursuant to subparagraph (1) of this paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

“(B) The Superior Court of the District of Columbia shall order the release of the BWC recording if it finds that the release is in the interests of justice.

“(c) Before publicly releasing a BWC recording of an officer-involved death, the Metropolitan Police Department shall:

“(1) Consult with an organization with expertise in trauma and grief on best practices for creating an opportunity for the decedent's next of kin to view the BWC recording in advance of its release;

“(2) Notify the decedent's next of kin of its impending release, including the date when it will be released; and

ENROLLED ORIGINAL

“(3) Offer the decedent’s next of kin the opportunity to view the BWC recording privately in a non-law enforcement setting in advance of its release, and if the next of kin wish to so view the BWC recording, facilitate its viewing.”.

(b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:

“(a-1) Recordings related to a request from or investigation by the Chairperson of the Council Committee with jurisdiction over the Department;”.

(c) Section 3902.4 is amended to read as follows:

“3902.4. Notwithstanding any other law, within 5 business days after a request from the Chairperson of the Council Committee with jurisdiction over the Department, the Department shall provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC recordings shall not be publicly disclosed by the Chairperson or the Council.”.

(d) Section 3999.1 is amended by inserting definitions between the definitions of “metadata” and “subject” to read as follows:

““Next of kin” shall mean the priority for next of kin as provided in MPD General Order 401.08, or its successor directive.

““Serious use of force” shall have the same meaning as that term is defined in MPD General Order 901.07, or its successor directive.”.

SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase “There is established a Police Complaints Board (“Board”). The Board shall be composed of 5 members, one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with any law enforcement agency.” and inserting the phrase “There is established a Police Complaints Board (“Board”). The Board shall be composed of 9 members, which shall include one member from each Ward and one at-large member, none of whom, after the expiration of the term of the currently serving member of the MPD, shall be affiliated with any law enforcement agency.” in its place.

(b) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

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

“(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint, the Executive Director may:

“(A) Initiate the Executive Director’s own complaint against the subject police officer; and

“(B) Take any of the actions described in subsection (g)(2) through (6) of this section.

“(2) The authority granted pursuant to paragraph (1) of this subsection shall include circumstances in which the subject police officer failed to:

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“(A) Intervene in or subsequently report any use of force incident in which the subject police officer observed another law enforcement officer, including an MPD officer, utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order 901.07, its successor directive, or a similar local or federal directive; or

“(B) Immediately report to their supervisor any violations of the rules and regulations of the MPD committed by any other MPD officer, and each instance of their use of force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26, or any successor directive.”.

(2) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting the phrase “subsection (g) or (g-1)” in its place.

SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

Sec. 106. Use of Force Review Board; membership.

(a) There is established a Use of Force Review Board (“Board”), which shall review uses of force as set forth by the Metropolitan Police Department in its written directives.

(b) The Board shall consist of the following 13 voting members, and may also include non-voting members at the Mayor’s discretion:

(1) An Assistant Chief selected by the Chief of Police, who shall serve as the Chairperson of the Board;

(2) The Commanding Official, Special Operations Division, Homeland Security Bureau;

(3) The Commanding Official, Criminal Investigations Division, Investigative Services Bureau;

(4) The Commanding Official, Metropolitan Police Academy;

(5) A Commander or Inspector assigned to the Patrol Services Bureau;

(6) The Commanding Official, Recruiting Division;

(7) The Commanding Official, Court Liaison Division;

(8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1- 523.01(e)), with the following qualifications and no current or prior affiliation with law enforcement:

(A) One member who has personally experienced the use of force by a law enforcement officer;

(B) One member of the District of Columbia Bar in good standing; and

(C) One District resident community member;

(9) Two civilian members appointed by the Council with the following qualifications and no current or prior affiliation with law enforcement:

(A) One member with subject matter expertise in criminal justice policy;

and

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(B) One member with subject matter expertise in law enforcement oversight and the use of force; and

(10) The Executive Director of the Office of Police Complaints.

Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (38) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (39) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (40) is added to read as follows:

“(40) Use of Force Review Board, established by section 106 of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, passed on 2nd reading on July 21, 2020 (Enrolled version of Bill 23-826).”.

SUBTITLE E. ANTI-MASK LAW REPEAL

Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

(b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase “or section 4 shall be” and inserting the phrase “shall be” in its place.

Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase “sections 22-3112.1 and 22-3112.2” in its place.

SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code is amended by adding a new section 23-526 to read as follows:

“§ 23-526. Limitations on consent searches.

“(a) In cases where a search is based solely on the subject’s consent to that search, and is not executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement, sworn members of District Government law enforcement agencies shall:

“(1) Prior to the search of a person, vehicle, home, or property:

“(A) Explain, using plain and simple language delivered in a calm demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to a search;

“(B) Advise the subject that:

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“(i) A search will not be conducted if the subject refuses to provide consent to the search; and

“(ii) The subject has a legal right to decline to consent to the search;

“(C) Obtain consent to search without threats or promises of any kind being made to the subject;

“(D) Confirm that the subject understands the information communicated by the officer; and

“(E) Use interpretation services when seeking consent to conduct a search of a person:

“(i) Who cannot adequately understand or express themselves in spoken or written English; or

“(ii) Who is deaf or hard of hearing.

“(2) If the sworn member is unable to obtain consent from the subject, refrain from conducting the search.

“(b) The requirements of subsection (a) of this section shall not apply to searches executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement.

“(c)(1) If a defendant moves to suppress any evidence obtained in the course of the search for an offense prosecuted in the Superior Court of the District of Columbia, the court shall consider an officer’s failure to comply with the requirements of this section as a factor in determining the voluntariness of the consent.

“(2) There shall be a presumption that a search was nonconsensual if the evidence of consent, including the warnings required in subsection (a), is not captured on body-worn camera or provided in writing.

“(d) Nothing in this section shall be construed to create a private right of action.”.

SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;
RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

(a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “biased-based policing” and inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

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

“(3) Limiting the use of force and employing de-escalation tactics;”.

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

“(4) The prohibition on the use of neck restraints;”.

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(4) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(5) Paragraph (6) is amended by striking the period and inserting a semicolon in its place.

(6) New paragraphs (7) and (8) are added to read as follows:

“(7) Obtaining voluntary, knowing, and intelligent consent from the subject of a search, when that search is based solely on the subject’s consent; and

“(8) The duty of a sworn officer to report, and the method for reporting, suspected misconduct or excessive use of force by a law enforcement official that a sworn member observes or that comes to the sworn member’s attention, as well as any governing District laws and regulations and Department written directives.”.

(b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the District of Columbia Police” and inserting the phrase “the Police” in its place.

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

(A) The lead-in language is amended by striking the phrase “11 persons” and inserting the phrase “15 persons” in its place.

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

“(2A) Executive Director of the Office of Police Complaints or the Executive Director’s designee;”.

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

“(3) The Attorney General for the District of Columbia or the Attorney General’s designee;”.

(D) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

(E) Paragraph (9) is amended to read as follows:

“(9) Five community representatives appointed by the Mayor, one each with expertise in the following areas:

“(A) Oversight of law enforcement;

“(B) Juvenile justice reform;

“(C) Criminal defense;

“(D) Gender-based violence or LGBTQ social services, policy, or advocacy; and

“(E) Violence prevention or intervention.”.

(3) Subsection (i) is amended by striking the phrase “promptly after the appointment and qualification of its members” and inserting the phrase “by September 1, 2020” in its place.

(c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended by adding a new paragraph (9A) to read as follows:

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“(9A) If the applicant has prior service with another law enforcement or public safety agency in the District or another jurisdiction, information on any alleged or sustained misconduct or discipline imposed by that law enforcement or public safety agency;”.

SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

- (a) Designate the existing text as subsection (a).
- (b) Add a new subsection (b) to read as follows:

“(b) During a First Amendment assembly, the uniforms and helmets of officers policing the assembly shall prominently identify the officers’ affiliation with local law enforcement.”.

SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as follows:

- (a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon in its place.
- (b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase “; or” in its place.
- (c) A new subparagraph (C) is added to read as follows:

“(C)(i) The defendant is charged with an offense under:

“(I) Section 806(a)(1) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(a)(1));

“(II) Section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405.01); or

“(III) Section 2 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407); and

“(ii) The person who is alleged to have been the victim of the offense is a law enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405(a)); and”.

SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-115.03), is repealed.

SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new subsection (f) to read as follows:

“(f) An applicant shall be ineligible for appointment as a sworn member of the Metropolitan Police Department if the applicant:

“(1) Was previously determined by a law enforcement agency to have committed serious misconduct, as determined by the Chief by General Order;

“(2) Was previously terminated or forced to resign for disciplinary reasons from any commissioned or recruit or probationary position with a law enforcement agency; or

“(3) Previously resigned from a law enforcement agency to avoid potential, proposed, or pending adverse disciplinary action or termination.”.

SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING AGREEMENTS

Sec. 116. Section 1708 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.08), is amended by adding a new subsection (c) to read as follows:

“(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall be retained by management and not be negotiable.

“(2) This subsection shall apply to any collective bargaining agreements entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after September 30, 2020.”.

SUBTITLE M. OFFICER DISCIPLINE REFORMS

Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase “subsection (b) of this section” and inserting the phrase “paragraph (1A) of this subsection and subsection (b) of this section” in its place.

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

“(1A) If the act or occurrence allegedly constituting cause involves the serious use of force or indicates potential criminal conduct by a sworn member or civilian employee of the Metropolitan Police Department, the period for commencing a corrective or adverse action under this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the date that the Metropolitan Police Department had notice of the act or occurrence allegedly constituting cause.”.

(3) Paragraph (2) is amended by striking the phrase “paragraph (1)” and inserting the phrase “paragraphs (1) and (1A)” in its place.

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(b) Subsection (b) is amended by striking the phrase “the 90-day period” and inserting the phrase “the 90-day or 180-day period, as applicable,” in its place.

Sec. 118. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal Regulations is amended by striking the phrase “reduce the penalty” and inserting the phrase “reduce or increase the penalty” in its place.

SUBTITLE N. USE OF FORCE REFORMS

Sec. 119. Use of deadly force.

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

(1) “Deadly force” means any force that is likely or intended to cause serious bodily injury or death.

(2) “Deadly weapon” means any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use, is likely to cause serious bodily injury or death.

(3) “Serious bodily injury” means extreme physical pain, illness, or impairment of physical condition, including physical injury, that involves:

(A) A substantial risk of death;

(B) Protracted and obvious disfigurement;

(C) Protracted loss or impairment of the function of a bodily member or organ; or

(D) Protracted loss of consciousness.

(b) A law enforcement officer shall not use deadly force against a person unless:

(1) The law enforcement officer reasonably believes that deadly force is immediately necessary to protect the law enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;

(2) The law enforcement officer’s actions are reasonable, given the totality of the circumstances; and

(3) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

(c) A trier of fact shall consider:

(1) The reasonableness of the law enforcement officer’s belief and actions from the perspective of a reasonable law enforcement officer; and

(2) The totality of the circumstances, which shall include:

(A) Whether the subject of the use of deadly force:

(i) Possessed or appeared to possess a deadly weapon; and

(ii) Refused to comply with the law enforcement officer’s lawful order to surrender an object believed to be a deadly weapon prior to the law enforcement officer using deadly force;

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(B) Whether the law enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for back-up, trying to calm the subject of the use of force, or using non-deadly force prior to the use of deadly force; and

(C) Whether any conduct by the law enforcement officer prior to the use of deadly force increased the risk of a confrontation resulting in deadly force being used.

SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY WEAPONRY

Sec. 120. Limitations on military weaponry acquired by District law enforcement agencies.

(a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire the following property through any program operated by the federal government:

- (1) Ammunition of .50 caliber or higher;
- (2) Armed or armored aircraft or vehicles;
- (3) Bayonets;
- (4) Explosives or pyrotechnics, including grenades;
- (5) Firearm mufflers or silencers;
- (6) Firearms of .50 caliber or higher;
- (7) Firearms, firearm accessories, or other objects, designed or capable of launching explosives or pyrotechnics, including grenade launchers; and
- (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

(b)(1) If a District law enforcement agency requests property through a program operated by the federal government, the District law enforcement agency shall publish notice of the request on a publicly accessible website within 14 days after the date of the request.

(2) If a District law enforcement agency acquires property through a program operated by the federal government, the District law enforcement agency shall publish notice of the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

(c) District law enforcement agencies shall disgorge any property described in subsection (a) of this section that the agencies currently possess within 180 days after the effective date of this act.

SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

- (1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.
- (2) A new paragraph (1) is added to read as follows:

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“(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure, or any substance prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, effective April 29, 1997.”.

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

“(3) “Less-lethal projectiles” means any munition that may cause bodily injury or death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal projectiles” includes rubber or foam-covered bullets and stun grenades.”.

(b) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

“Sec. 116. Use of riot gear and riot tactics at First Amendment assemblies.

“(a)(1) No officers in riot gear may be deployed in response to a First Amendment assembly unless there is an immediate risk to officers of significant bodily injury. Any deployment of officers in riot gear:

“(A) Shall be consistent with the District’s policy on First Amendment assemblies; and

“(B) May not be used as a tactic to disperse a First Amendment assembly.

“(2) Following any deployment of officers in riot gear in response to a First Amendment assembly, the commander at the scene shall make a written report to the Chief of Police within 48 hours, and that report shall be available to the public.

“(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment assembly.

“(2) The Mayor shall request that any federal law enforcement agency operating in the District refrain from the use of chemical irritants to disperse a First Amendment assembly.

“(c)(1) Less-lethal projectiles shall not be used by MPD to disperse a First Amendment assembly.

“(2) The Mayor shall request that any federal law enforcement agency operating in the District refrain from the use of less-lethal projectiles to disperse a First Amendment assembly.”.

SUBTITLE Q. POLICE REFORM COMMISSION

Sec. 122. Police Reform Commission.

(a) There is established, supported by the Council’s Committee of the Whole, a Police Reform Commission (“Commission”) to examine policing practices in the District and provide evidence-based recommendations for reforming and revisioning policing in the District.

(b)(1) The Commission shall be comprised of 20 representatives from among the following entities:

- (A) Non-law enforcement District government agencies;
- (B) The Office of the Attorney General for the District of Columbia;
- (C) Criminal and juvenile justice reform organizations;

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- (D) Black Lives Matter DC;
- (E) Educational institutions;
- (F) Parent-led advocacy organizations;
- (G) Student- or youth-led advocacy organizations;
- (H) Returning citizen organizations;
- (I) Victim services organizations;
- (J) Social services organizations;
- (K) Mental and behavioral health organizations;
- (L) Small businesses;
- (M) Faith-based organizations; and
- (N) Advisory Neighborhood Commissions.

(2) The Chairman of the Council shall:

(A) Appoint the Commission representatives no later than July 22, 2020;

and

(B) Designate a representative who is not employed by the District

government as the Commission’s Chairperson.

(c)(1) The Commission shall submit its recommendations in a report to the Mayor and Council by December 31, 2020.

(2) The report required by paragraph (1) of this subsection shall include analyses and recommendations on the following topics:

(A) The role of sworn and special police officers in District schools;

(B) Alternatives to police responses to incidents, such as community-based, behavioral health, or social services co-responders;

(C) Police discipline;

(D) The integration of conflict resolution strategies and restorative justice practices into policing; and

(E) The provisions of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, passed on 2nd reading on July 21, 2020 (Enrolled version of Bill 23-826).

(d) The Commission shall sunset upon the delivery of its report or on December 31, 2020, whichever is later.

SUBTITLE R. METRO TRANSIT POLICE DEPARTMENT OVERSIGHT AND ACCOUNTABILITY

Sec. 123. Section 76 of Article XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01(76)), is amended as follows:

(a) Subsection (f) is amended by adding a new paragraph (1A) to read as follows:

“(1A) prohibit the use of enforcement quotas to evaluate, incentivize, or discipline members, including with regard to the number of arrests made or citations or warnings issued;”.

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

“(i)(1) The Authority shall establish a Police Complaints Board to review complaints filed against the Metro Transit Police.

“(2) The Police Complaints Board shall comprise eight members, two civilian members appointed by each Signatory, and two civilian members appointed by the federal government.

“(3) Members of the Police Complaints Board shall not be Authority employees and shall have no current affiliation with law enforcement.

“(4) Members of the Police Complaints Board shall serve without compensation but may be reimbursed for necessary expenses incurred as incident to the performance of their duties.

“(5) The Police Complaints Board shall appoint a Chairperson and Vice-Chairperson from among its members.

“(6) Four members of the Police Complaints Board shall constitute a quorum, and no action by the Police Complaints Board shall be effective unless a majority of the Police Complaints Board present and voting, which majority shall include at least one member from each Signatory, concur therein.

“(7) The Police Complaints Board shall meet at least monthly and keep minutes of its meetings.

“(8) The Police Complaints Board, through its Chairperson, may employ qualified persons or utilize the services of qualified volunteers, as necessary, to perform its work, including the investigation of complaints.

“(9) The duties of the Police Complaints Board shall include:

“(A) Adopting rules and regulations governing its meetings, minutes, and internal processes; and

“(B) With respect to the Metro Transit Police, reviewing:

“(i) The number, type, and disposition of citizen complaints received, investigated, sustained, or otherwise resolved;

“(ii) The race, national origin, gender, and age of the complainant and the subject officer or officers;

“(iii) The proposed and actual discipline imposed on an officer as a result of any sustained citizen complaint;

“(iv) All use of force incidents, serious use of force incidents, and serious physical injury incidents; and

“(v) Any in-custody death.

“(10) The Police Complaints Board shall have the authority to receive complaints against members of the Metro Transit Police, which shall be reduced to writing and signed by the complainant, that allege abuse or misuse of police powers by such members, including:

“(A) Harassment;

“(B) Use of force;

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“(C) Use of language or conduct that is insulting, demeaning, or humiliating;

“(D) Discriminatory treatment based upon a person’s race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, physical disability, matriculation, political affiliation, source of income, or place of residence or business;

“(E) Retaliation against a person for filing a complaint; and

“(F) Failure to wear or display required identification or to identify oneself by name and badge number when requested to do so by a member of the public.

“(11) If the Metro Transit Police receives a complaint containing subject matter that is covered by paragraph (10) of this subsection, the Metro Transit Police shall transmit the complaint to the Police Complaints Board within 3 business days after receipt.

“(12) The Police Complaints Board shall have timely and complete access to information and supporting documentation specifically related to the Police Complaints Board’s duties and authority under paragraphs (9) and (10) of this subsection.

“(13) The Police Complaints Board shall have the authority to dismiss, conciliate, mediate, investigate, adjudicate, or refer for further action to the Metro Transit Police a complaint received under paragraph (10) of this subsection.

“(14)(A) If deemed appropriate by the Police Complaints Board, and if the parties agree to participate in a conciliation process, the Police Complaints Board may attempt to resolve a complaint by conciliation.

“(B) The conciliation of a complaint shall be evidenced by a written agreement signed by the parties which may provide for oral apologies or assurances, written undertakings, or any other terms satisfactory to the parties. No oral or written statements made in conciliation proceedings may be used as a basis for any discipline or recommended discipline against a subject police officer or officers or in any civil or criminal litigation.

“(15) If the Police Complaints Board refers the complaint to mediation, the Board shall schedule an initial mediation session with a mediator. The mediation process may continue as long as the mediator believes it may result in the resolution of the complaint. No oral or written statement made during the mediation process may be used as a basis for any discipline or recommended discipline of the subject police officer or officers, nor in any civil or criminal litigation, except as otherwise provided by the rules of the court or the rules of evidence.

“(16) If the Police Complaints Board refers a complaint for investigation, the Board shall assign an investigator to investigate the complaint. When the investigator completes the investigation, the investigator shall summarize the results of the investigation in an investigative report which, along with the investigative file, shall be transmitted to the Board, which may order an evidentiary hearing.

“(17) The Police Complaints Board may, after an investigation, assign a complaint to a complaint examiner, who shall make written findings of fact regarding all material issues of fact, and shall determine whether the facts found sustain or do not sustain each

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allegation of misconduct. If the complaint examiner determines that one or more allegations in the complaint is sustained, the Police Complaints Board shall transmit the entire complaint file, including the merits determination of the complaint examiner, to the Metro Transit Police for appropriate action.

“(18) Employees of the Metro Transit Police shall cooperate fully with the Police Complaints Board in the investigation and adjudication of a complaint. An employee of the Metro Transit Police shall not retaliate, directly or indirectly, against a person who files a complaint under this subsection.

“(19) When, in the determination of the Police Complaints Board, there is reason to believe that the misconduct alleged in a complaint or disclosed by an investigation of a complaint may be criminal in nature, the Police Complaints Board shall refer the matter to the appropriate authorities for possible criminal prosecution, along with a copy of all of the Police Complaints Board’s files relevant to the matter being referred; provided, that the Police Complaints Board shall make a record of each referral, and ascertain and record the disposition of each matter referred and, if the appropriate authorities decline in writing to prosecute, the Police Complaints Board shall resume its processing of the complaint.

“(20) Within 60 days before the end of each fiscal year, the Police Complaints Board shall transmit to the Board and the Signatories an annual report of its operations, including any policy recommendations.”.

TITLE II. BUILDING SAFE AND JUST COMMUNITIES

SUBTITLE A. RESTORE THE VOTE

Sec. 201. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 1-1001.02(2)) is amended as follows:

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

(2) Subparagraph (D) is repealed.

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding new paragraphs (9B) and (9C) to read as follows:

“(9B) In advance of any applicable voter registration or absentee ballot submission deadlines, provide, to every qualified elector in the Department of Corrections’ care or custody, and, beginning January 1, 2021, endeavor to provide to every qualified elector in the Bureau of Prisons’ care or custody:

“(A) A voter registration form;

“(B) A voter guide;

“(C) Educational materials about the importance of voting and the right of an individual currently incarcerated or with a criminal record to vote in the District; and

“(D) Without first requiring an absentee ballot application to be submitted, an absentee ballot;

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“(9C) Beginning January 1, 2021, upon receiving information pursuant to section 7(k)(3), (4), or (4A) from the Superior Court of the District of Columbia, the United States District Court for the District of Columbia, or the Bureau of Prisons, notify a qualified elector incarcerated for a felony of the qualified elector’s right to vote;”.

(c) Section 7(k) (D.C. Official Code § 1-1001.07(k)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “registrant, upon notification of a registrant’s incarceration for a conviction of a felony” and inserting the phrase “registrant,” in its place.

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

“(4A) Beginning on January 1, 2021, at least monthly, the Board shall request from the Bureau of Prisons the name, location of incarceration, and contact information for each qualified elector in the Bureau of Prisons’ care or custody.”.

Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of Columbia, effective April 26, 2019 (D.C. Law 22-309; D.C. Official Code § 24-211.08), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Within 10 business days after the effective date of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, passed on 2nd reading on July 21, 2020 (Enrolled version of Bill 23-826) (“act”), the Department shall notify eligible individuals in its care or custody of their voting rights pursuant to section 201 of the act.”.

TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Applicability.

(a) Section 110 shall apply as of August 15, 2020.

(b) Section 123 shall apply after the enactment of concurring legislation by the State of Maryland and the Commonwealth of Virginia, the signing and execution of the legislation by the Mayor of the District of Columbia and the Governors of Maryland and Virginia, and approval by the United States Congress.

Sec. 302. 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. 303. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To authorize, on a temporary 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 Temporary Amendment Act of 2020”.

Sec. 2. Definitions.

For the purposes of this act, the term:

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

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

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

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

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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.*).

(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.

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(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:

- (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

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(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.

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

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Increment and any other taxes or fees deposited in the Reunion Square TIF Fund, income realized from the temporary investment of the monies in the Reunion Square TIF Fund prior to payment to the Class A Bondholders, and other funds that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

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

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

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

(b) For the Class B Bonds:

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

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

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

(B) Any reasonable reserves required by the District.

(3) Payment of the Class B Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Class B Bondholders of

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certain of its rights under the Financing Documents and Closing Documents to the trustee for the Class B Bonds pursuant to the Financing Documents.

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

Sec. 8. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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(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 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.

ENROLLED ORIGINAL

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

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

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

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

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

Sec. 10. Financing and Closing Documents.

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

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

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

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

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

ENROLLED ORIGINAL

Sec. 11. Limited liability.

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

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

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

Sec. 12. District officials.

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

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

Sec. 13. Maintenance of documents.

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

Sec. 14. Information reporting.

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

Sec. 15. Expiration of issuance authority.

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(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.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-401

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To amend, on a temporary basis, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to establish the Business Support Grant program to provide eligible businesses financial support to aid in their recovery from the public health emergency.

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

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

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

“Sec. 2317. Business Support Grant program.”

“(b) A new section 2317 is added to read as follows:

“Sec. 2317. Business Support Grant program.

“(a)(1) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the Mayor, in the Mayor’s sole discretion, may issue a grant to an eligible business in accordance with this section and rules issued pursuant to this section; provided, that:

“(A) The eligible business submits a grant application in the form and with the information required by the Mayor;

“(B) The eligible business demonstrates, to the satisfaction of the Mayor, a reduction in business revenue due to circumstances resulting from the public health emergency, showing, for an eligible business opened a year or more, financial distress of a 50% or more loss in gross receipts of sales for April, May, and June of 2020 combined compared to the gross receipts reported for the same period in 2019, or, for an eligible business opened fewer than 12 months as of the public health emergency, compared to the 3-month period preceding the public health emergency; and

“(C) A grant is equivalent to up to 15% of lost revenue over the 3-month period from April, May, and June of 2020, and not more than the average monthly gross receipts

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for any single month in 2019, or, for an eligible business opened fewer than 12 months as of the public health emergency, over the 3-month period preceding the public health emergency; provided further, that at least 12.5% is set aside for an eligible business that is:

“(i) Also, is or is eligible to be, a resident-owned business as that term is defined in section 2302(15); and

“(ii) At least 51% owned by economically disadvantaged individuals, as that term is defined in section 2302(7), or by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

“(2) An eligible business awarded a grant pursuant to this section may use the grant funds for costs associated with complying with the demands of the public health emergency, reopening, to accommodate to the emerging business environment, or for any other reason determined by the Mayor, as set forth in rules issued pursuant to this section, to likely spur economic recovery.

“(b)(1) The Mayor may award a grant to a lessor of property that leases to an eligible business; provided, that the lessor shall only qualify after demonstrating to the Mayor, in a form acceptable to the Mayor, rental income limited to the property leased to the eligible business and that the lessor has abated rent payments or otherwise provided a benefit to the eligible business in an amount equal in value to at least twice the amount of the grant.

“(2) A lessor who receives an award pursuant to this subsection shall notify the Mayor if the lessor terminates, during the 18 months following receipt of an award pursuant to this subsection, a lease agreement with an eligible business and shall provide, in a form determined by the Mayor, evidence that the termination was:

“(A) With the consent of the eligible business; or

“(B) Unrelated to nonpayment of rent due to the impact of the public health emergency on the eligible business.

“(c) The Mayor may award one or more grants to a third-party grant-managing entity for the purpose of administering the Business Support Grant program and making subgrants on behalf of the Mayor in accordance with the requirements of this section or rules issued pursuant to this section.

“(d)(1) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.1206; D.C. Official Code 2-505), shall issue rules to implement the provisions of this section, which shall include the grant application process.

“(2) The Mayor, in promulgating the rules shall consider prioritizing available funding, with a priority for those eligible businesses closed due to the public health emergency and unable to open until Phase 3 or Phase 4 of the District’s Reopening plan pursuant to the guidelines issued by Executive Order of the Mayor and but for the public health emergency would be open, as follows:

“(A) Thirty-eight percent to restaurants;

ENROLLED ORIGINAL

- “(B) Twenty-eight percent to hotels;
- “(C) Fourteen and a half percent to retail;
- “(D) Fourteen and a half percent to sports and entertainment sectors; and
- “(E) Five percent to child development facilities.

“(e) The Mayor, in the Mayor’s sole discretion, may authorize that funds of up to \$100 million received pursuant to the CARES Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat.281), be used to fund the Business Support Grant program established by this section.

“(f) The Mayor, and any third-party entity chosen pursuant to subsection (c) of this section, shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than December 1, 2020.

“(g) For the purposes of this section, the term:

“(1) “Eligible business” means:

“(A) A child development facility, as that term is defined in the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code 7-2031(3)); provided that, the child development center has not previously received public vouchers during the public health emergency; or

“(B) A business enterprise eligible for certification under section 2331

that:

“(i) Is an establishment in the hotel, retail, restaurant, or sports and entertainment, sector;

“(ii) Derives at least 80% of its revenue from sales of merchandise, food, beverages, accommodation services, ticket sales, advertising, media, or sponsorship, or a combination of the following; and

“(iii) Is still open or would still be open were it not for the public health emergency.

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

“(3) “Restaurant” means full-service restaurants, including limited-service restaurants, fast food restaurants, and food service providers such as cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, and cafeterias.

“(4) “Sports and entertainment sector” means an establishment that is open or was open to the public prior to the declaration of the public health emergency for entertainment or leisure. The term “sports and entertainment venue” includes bars, entertainment venues, nightlife establishments, theatres, sports, recreation and entertainment venues, and art galleries.”.

ENROLLED ORIGINAL


Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-402

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 12, 2020

To amend, on a temporary basis, section 47-802 of the District of Columbia Official Code to extend eligibility for the performance arts venue real property tax rebate program for certain businesses that host live performances by performing artists during tax year 2020.

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

Sec. 2. Section 47-802(17) of the District of Columbia Code is amended by adding a new subparagraph (C) to read as follows:

"(C) For tax year 2020, a business satisfies the requirements of subparagraph (A)(i) of this paragraph if the business hosts live performances by performing artists for a minimum of 48 hours per month during at least 5 months of the tax year."

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 12, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-492

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 23, 2020

To declare the existence of an emergency with respect to the need to adopt the local portion of the budget of the District of Columbia government for the fiscal year ending September 30, 2021.

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

Sec. 2. (a) In March 2020, schools, stores, hotels, restaurants, and other workplaces closed to control the spread of COVID-19. These closures have helped stem the tide of the coronavirus, but have caused a sharp decline in local fund revenues for Fiscal Year 2021 and delayed the submission of the Fiscal Year 2021 Budget and Financial plan by 60 days.

(b) The Mayor transmitted Bill 23-761, the Fiscal Year 2021 Local Budget Act of 2020, on May 18, 2020; that measure is having its second and final reading on July 23, 2020.

(c) The Fiscal Year 2021 Budget and Financial Plan must be effective prior to October 1, 2020, the start of the new fiscal year. Due to the congressional review period and the congressional calendar, Bill 23-761 will not be effective prior to October 1, 2020.

(d) Anticipating this obstacle, the Mayor transmitted Bill 23-766, the Fiscal Year 2021 Local Budget Emergency Act of 2020 to ensure that the approved budget and financial plan would be approved prior to the start of the fiscal year.

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 Local Budget Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-498

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 28, 2020

To authorize the Committee of the Whole to hold certain hearings and roundtables during the Council's summer 2020 recess, and to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 to authorize the submission of a grant budget modification for Fiscal Year 2020 grant funds that either is related to COVID-19 or has been submitted by the University of the District of Columbia during the Council's summer 2020 recess.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 23 Recess Rules Amendment Resolution of 2020."

Sec. 2. Recess rules.

(a) The Committee of the Whole is authorized to hold a hearing or roundtable, including a joint hearing or roundtable, on a contract, reprogramming, budget modification, measure, or proposed action by the Mayor during the period from August 1 through September 7, 2020.

(b) The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019 effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(1) Section 306(b) is amended by adding a new paragraph (5) to read as follows;

“(5) A request for a budget modification for Fiscal Year 2020 grant funds that either is related to COVID-19 or has been submitted by the University of the District of Columbia may be transmitted to the Secretary from August 1 through September 7, 2020.”.

(2) Section 711 is amended as follows:

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

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

“(b) Notwithstanding subsection (a) of this section, a request for a budget modification for Fiscal Year 2020 grant funds that either is related to COVID-19 or has been submitted by the University of the District of Columbia may be submitted, and the time period for the request may be counted, from August 1 through September 7, 2020.”.

(c) This section shall expire on September 7, 2020.

Sec. 3. This resolution shall take effect immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 21, 2020
Protest Petition Deadline: October 26, 2020
Roll Call Hearing Date: November 9, 2020

License No.: ABRA-101682
Licensee: TSBL, LLC
Trade Name: Karma
License Class: Retailer's Class "C" Multipurpose
Address: 2221 Adams Place, N.E., Unit C
Contact: Sidon Yohannes: (202) 686-7600

WARD 5 ANC 5C SMD 5C02

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 9, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Summer Garden with 66 seats.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday 10am - 3am, Monday through Thursday 6pm - 3am, Friday 6pm - 4am, Saturday 9am - 4am

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

Sunday 10am - 2am, Monday through Thursday 6pm - 2am, Friday 6pm - 3am, Saturday 10am - 3am

PROPOSED HOURS OF OPERATION FOR OUTDOOR SUMMER GARDEN

Sunday 10am - 3am, Monday through Thursday 6pm - 3am, Friday 6pm - 4am, Saturday 9am - 4am

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

Sunday 10am - 2am, Monday through Thursday 6pm - 2am, Friday 6pm - 3am, Saturday 10am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 21, 2020
Protest Petition Deadline: October 26, 2020
Roll Call Hearing Date: November 9, 2020

License No.: ABRA-086950
Licensee: SUPER INVESTMENTS Inc.
Trade Name: Logan Circle Liquors
License Class: Retailer's Class "A" Liquor Store
Address: 1515 Wisconsin Avenue, N.W.
Contact: Jeffrey Jackson: (202) 251-1566

WARD 2 ANC 2E SMD 2E03

Notice is hereby given that this licensee has requested to transfer their license to a new location 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 9, 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 OPERATION

Applicant requests to Transfer License from 1018 Rhode Island Avenue, N.W., to a new location at 1515 Wisconsin Avenue, N.W. Licensee is a Class "A" Liquor Store.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Monday through Saturday 9am – 10pm, Closed Sundays

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/21/2020

Notice is hereby given that:

License Number: ABRA-109402

License Class/Type: B / Beer and Wine

Applicant: Hirschhorn, LLC

Trade Name: Open Door Market

ANC: 2D02

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

2160 CALIFORNIA ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
10/26/2020

A HEARING WILL BE HELD ON:
11/9/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 10 pm	9 am - 10 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 21, 2020
Protest Petition Deadline: October 26, 2020
Roll Call Hearing Date: November 9, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-117074
Licensee: Pure Impact Group L.L.C.
Trade Name: Shared Pour
License Class: Retailer's Class "A" Internet
Address: 4221 Connecticut Avenue, N.W., Unit A09
Contact: Daniel Pride: (904) 742-7193

WARD 3

ANC 3F

SMD 3F02

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 9, 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 "A" Internet Retailer selling beer, wine, and spirits online only for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 21, 2020
Protest Petition Deadline: October 26, 2020
Roll Call Hearing Date: November 9, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-117070
Licensee: North Shaw, LLC
Trade Name: TBD
License Class: Retailer's Class "A" Liquor Store
Address: 2104 Vermont Avenue, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 1 ANC 1B SMD 1B02

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 9, 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

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

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am - 12am

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARINGS**

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No.20-07: Samuel F.B. Morse School
440 R Street NW
Square 509, Lot 197 (805)
Affected Advisory Neighborhood Commission: 6E

The hearing will take place at **9:00 a.m. on Thursday, September 24, 2020**. It will be an online meeting conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). Information about participating in the Webex hearing will be furnished with the agenda prior to the hearing. A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects:
Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects

affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at timothy.dennee@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following new Chapter 104 of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), entitled “Athletic Trainers.”

The adoption of Chapter 104 is necessary to implement §§ 501(a) and 504(s) of the Act (D.C. Official Code § 3-1205.01(a) (2016 Repl.)), for licensure of athletic trainers in the District of Columbia.

The Proposed Rulemaking was published in the *D.C. Register* on February 21, 2020, at 67 DCR 001966. The D.C. Athletic Trainers Association (DCATA) submitted numerous comments which were discussed at a meeting between representatives of the DCATA and Board of Medicine (Board) staff, and agreement was reached on all but one comment. At the Board meeting on May 27, 2020, representatives of the DCATA and the Board reached agreement on the remaining issue, and the Board adopted the previous agreements. The DCATA recommended a number of non-substantive edits which were for the most part accepted. In Subsection 10402.1, the Board agreed to change “Approved by the National Athletic Trainers Association” to “Recognized by the National Athletic Trainers Association Board of Certification (BOC)” as the National Athletic Trainers Association (NATA) does not approve programs and the BOC’s legal name is National Athletic Trainers Association Board of Certification. The DCATA agreed to keeping the language requiring a valid Emergency Cardiac Care certification although it may be considered redundant as BOC certification also requires it. The Board also agreed to change “trainer” to “athletic trainer” throughout the rulemaking to differentiate from other types of trainers such as personal trainers. DCATA agreed to keeping the term “head-related injuries” in Subsection 10404.2. Subsection 10404.5 had specific limiting language that included a prohibition on rendering medical diagnoses. DCATA was concerned that this could inhibit their ability to provide immediate care as needed, but also agreed that they did not provide medical diagnoses. Because the limiting language was included in the authorizing statute, the Board and DCATA agreed that the language should stay as written but that a Board policy would be developed to clarify an athletic trainer’s ability to render immediate care after an assessment. DCATA comments regarding temporary or provisional licenses (Section 10406) and continuing education (Subsection 10407.3) were not accepted, with the agreement of DCATA. DCATA also agreed to not amending the definition of “Athlete” in Section 10499, but there was agreement to correct the name of BOC in the definitions (as previously stated above).

No substantive changes have been made to the proposed rulemaking as a result of these agreements. All edits were technical in nature. Chapter 104 was adopted as final on July 8, 2020 and shall become effective upon publication in the *D.C. Register*.

Chapter 104, ATHLETIC TRAINERS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is added to read as follows:

CHAPTER 104 ATHLETIC TRAINERS

10400 GENERAL PROVISIONS

10401 TERM OF LICENSE

10402 QUALIFICATIONS

10403 CERTIFICATION MAINTENANCE

10404 SCOPE OF PRACTICE

10405 PRACTICE OF ATHLETIC TRAINING BY STUDENTS

10406 PRACTICE OF ATHLETIC TRAINING BY APPLICANTS

10407 RENEWAL, REACTIVATION AND REINSTATEMENT APPLICATIONS

10408 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10409 STANDARDS OF CONDUCT

10499 DEFINITIONS

10400 GENERAL PROVISIONS

10400.1 This chapter shall apply to persons authorized to practice athletic training and persons applying for or holding a license to practice athletic training.

10400.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.

10401 TERM OF LICENSE

10401.1 Subject to § 10401.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of December 31st of each even-numbered year.

10401.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birth date of the holder of the license, or other date established by the Director.

10402 QUALIFICATIONS

10402.1 Except as otherwise provided in this chapter, to qualify for a license to practice athletic training, an applicant shall meet the following requirements:

- (a) Possess at least a baccalaureate degree in athletic training from a four (4)-year college or university that is accredited by an agency recognized for that purpose by the United States Department of Education and with an athletic training curriculum meeting one of the following standards:

- (1) Accredited by the Commission on Accreditation of Athletic Training Education (CAATE) or its successor organization;
 - (2) Recognized by the National Athletic Trainers Association Board of Certification, Inc. (BOC); or
 - (3) Substantially equivalent programs approved by the Board of Medicine (Board);
- (b) Successfully passed the entry-level athletic trainers examination administered by the BOC, or its successor, or an equivalent organization approved or recognized by the Board; and
 - (c) Possess a valid Emergency Cardiac Care (ECC) certification at the Basic Life Support/Professional Rescuer level or above.

10402.2 The Board may waive the requirement of a baccalaureate degree for applicants holding a license, certification or registration in good standing in another state to engage in the practice of athletic training, if that state maintains qualifications for licensure, certification or registrations that are substantially equivalent to those required in the District.

10403 CERTIFICATION MAINTENANCE

10403.1 To maintain his or her qualification for an athletic training license during the period of licensure, an athletic trainer shall maintain continuously and without interruption a valid BOC Certification and a valid Emergency Cardiac Care (ECC) certification, required pursuant to § 10402.1(c).

10404 SCOPE OF PRACTICE

10404.1 An athletic trainer may, under the general supervision of a physician who has issued any written order, protocol or recommendation, perform treatment and rehabilitation of an athletic injury that is within the professional and educational ability of that athletic trainer, which may include but is not limited to:

- (a) Coordinating or administering a treatment or rehabilitation plan, assessing progress, and discharging based on their functional status for the post-operative, acute, subacute, and chronic injury or medical condition of a patient;
- (b) Providing treatment or rehabilitation by utilizing physical modalities of heat, cold, light, massage, traction, water, air, electric stimulation, sound, or mechanical, therapeutic and post rehabilitative exercise; or

- (c) Using appropriate preventative or supportive devices to assist in the recovery or prevention of injury or illness.

10404.2 An athletic trainer may provide immediate and emergency care of athletic injuries, including common emergency medical situation, which may include, but is not limited to, cardiopulmonary resuscitation (CPR), an automated external defibrillator (AED), spinal stabilization techniques, standardized testing for head-related injuries, or making referrals for follow-up care.

10404.3 An athletic trainer may provide education, guidance, or counseling regarding athletic training and the prevention, care, and treatment of athletic injuries. He or she may also assess and promote awareness and education concerning issues such as, but not limited to, risks of illness or injury (orthopedic, neurological, systemic), environmental stress, nutrition, equipment and facilities, and general health and well-being.

10404.4 An athletic trainer may organize and administer athletic training programs and related services.

10404.5 An athletic trainer is not authorized to:

- (a) Render a medical diagnosis or opinion regarding a physical disability;
- (b) Use x-rays, radium, or electricity for cauterization or surgery;
- (c) Treatment of rehabilitation of neurologic injuries, conditions or disease other than the preventive and emergency medical treatment authorized by Subsections 10404.1; or
- (d) The expansion of treatment beyond the determination of the supervising physician.

10405 PRACTICE OF ATHLETIC TRAINING BY STUDENTS

10405.1 Athletic training students enrolled as candidates for at least a baccalaureate degree in an athletic training program accredited by the Commission on Accreditation of Athletic Training Education (CAATE) and engaging or seeking to engage in an internship or practicum required for the completion of the degree may practice athletic training without a license issued pursuant to this chapter and only in accordance with this section.

10405.2 An athletic training student practicing pursuant to this section shall do so only under the direct supervision of an athletic trainer licensed in the District.

10405.3 An athletic trainer supervising an athletic training student shall be fully responsible for all of the actions performed by the athletic training student during

the time of the supervision and may be subject to disciplinary action for any violation of the Act or this chapter by the person supervised.

- 10405.4 The supervising athletic trainer shall review and co-sign any documentation written by an athletic training student practicing pursuant to this section.
- 10405.5 An athletic training student practicing pursuant to this section shall be subject to all of the applicable provisions of the Act and this chapter. The Board may deny an application for a license by, or take other disciplinary action in accordance with § 514 of the Act (D.C. Official Code § 3-1205.14 (2016 Repl.)) against, an athletic training student who is found to have violated the Act or this chapter.
- 10405.6 If the Board finds that an athletic training student has violated the Act or this chapter, the Board may, in addition to any other disciplinary actions permitted by the Act, revoke, suspend, or restrict the privilege of the athletic training student to practice.
- 10405.7 An athletic training student practicing pursuant to this section shall identify himself or herself as an athletic training student at all times when performing actions of an athletic trainer.
- 10405.8 An athletic training student may not be paid or receive compensation of any nature, directly or indirectly from a patient.

10406 PRACTICE OF ATHLETIC TRAINING BY APPLICANTS

- 10406.1 An applicant with a pending application pursuant to this chapter may practice athletic training only in accordance with this section.
- 10406.2 An applicant with a pending application pursuant to this chapter may practice athletic training under the supervision of an athletic trainer licensed in the District if the applicant has received authorization from the Board to practice under supervision. Such authorization shall not exceed ninety (90) days.
- 10406.3 An athletic trainer supervising an applicant shall be fully responsible for all of the actions performed by the applicant during the time of the supervision and may be subject to disciplinary action for any violation of the Act or this chapter by the person supervised.

10407 RENEWAL, REACTIVATION AND REINSTATEMENT APPLICATIONS

- 10407.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license but shall not apply to applicants for an initial license or applicants seeking renewal for the first time after the initial grant of a license.

- 10407.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 10408.
- 10407.3 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, fifty (50) hours of approved continuing education meeting the requirement of § 10408. At least two (2) hours must be regarding lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) continuing education meeting the requirements of § 10408.4. At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years, or less frequently as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.
- 10407.4 To qualify for the reactivation of a license, a person in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)) shall possess a current and valid BOC Certification. If the person applying for reactivation has not been in the active practice of athletic training for two or more years immediately preceding the application, the person shall comply with any re-entry to practice requirements determined by the Board to be necessary to ensure competent practice.
- 10407.5 To qualify for the reinstatement of a license, an applicant seeking reinstatement shall have completed, during the two (2) years before the submission of the application, twenty-five (25) hours of approved continuing education for each year after the last expiration of the license up to a maximum of one hundred (100) hours and shall possess a current BOC certification. If the person applying for reinstatement has not been in the active practice of athletic training for two or more years immediately preceding the application, the person shall comply with any re-entry to practice requirements determined by the Board to be necessary to ensure competent practice.
- 10407.6 An applicant under this section shall prove completion of required continuing education credits by submitting the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and

(e) Verification by the sponsor of completion.

10407.7 The Board may periodically conduct an audit of some or all licensees to determine compliance with the continuing education requirements. During the audit, the Board may also require proof of a current BOC Certification and a valid Emergency Cardiac Care (ECC) certification to determine the licensee’s compliance with § 10403.1.

10408 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

10408.1 The Board may approve continuing education programs and activities that contribute to the growth of professional competence in athletic training and meet the relevant requirements of this section.

10408.2 The Board shall approve continuing education programs or activities approved by the BOC or offered by BOC-approved providers.

10408.3 The Board may approve continuing education programs if the program meets the requirements of § 10408.1 and is pre-approved by the Board.

10408.4 Continuing education hours that are completed in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a licensed athletic trainer to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition

that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and

- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

10409 STANDARDS OF CONDUCT

- 10409.1 An athletic trainer shall comply with the Code of Ethics established and adopted by the National Athletic Trainers' Association (NATA) and the Board of Certification Standards of Professional Practice adopted and implemented by the BOC, as they may be amended or adopted from time to time.
- 10409.2 An athletic trainer shall not sell, dispense, or administer anabolic steroids to any person.
- 10409.3 An athletic trainer shall comply with the requirements regarding youth athletic concussion protection of Chapter 28B of Title 7 of the D.C. Official Code and any amendments.

10499 DEFINITIONS

- 10499.1 As used in this chapter the following terms shall have the meanings ascribed:

Act – District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl.)).

Athlete -

- (a) A person participating in, or preparing for a competitive team or individual sport or other athletic activity being conducted by an educational institution, professional athletic organization, or a board sanctioned amateur athletic organization;
- (b) A member of an athletic team; or
- (c) Any physically active person seeking treatment for athletic injuries.

Athletic injury - a musculoskeletal or orthopedic injury or other medical condition suffered by an athlete resulting from, or limiting participation in or training for scholastic, recreational, professional, amateur athletic activities or other physical activities.

Athletic trainer – a person licensed to practice athletic training pursuant to this chapter.

Board – the Board of Medicine, established by § 209 of the Act (D.C. Official Code § 3-1202.03 (2016 Repl.)).

BOC – National Athletic Trainers Association Board of Certification.

Direct supervision – supervision provided to a student authorized to practice athletic training by an athletic trainer licensed in the District in which the supervising athletic trainer shall be physically present within the line of sight at the time that the student performs an athletic training function.

Director – the Director of the Department of Health or any successor or assignee.

General supervision of a physician – the overall direction and control of a physician over the services of an athletic trainer, which may be achieved through the planning of services with a physician; the development and approval by the physician of procedures and protocols to be followed in the event of an injury or illness; the mutual review of the protocols on a periodic basis; a written order or recommendation; and the appropriate consultation with a physician. The physical presence of the supervising physician is not required during the provision of the services.

LGBTQ Continuing Education - continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

Requestor – a person who seeks continuing education credit.

Treatment - the prevention, evaluation, recognition, management, treatment, rehabilitation, or reconditioning of an athletic injury, including the usage of appropriate preventative and supportive devices, temporary splinting and bracing, physical modalities of heat, cold, light, massage, water, electric stimulation, sound, and passive or active exercise, temporary mechanical devices, mechanical equipment, or any other therapeutic modality for which an athletic trainer has received appropriate training or education.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2019 Repl.)) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of a proposed rulemaking to amend Chapters 1 (Provisions of General Applicability), 3 (Limitations on Licenses), 5 (License Applications), 7 (General Operating Requirements), 8 (Enforcement, Infractions, and Penalties), 10 (Endorsements), 12 (Records and Reports), 16 (Contested Hearings, Non-contested Hearings, Protest Hearings, and Procedures), and 17 (Procedural Requirements for Board Hearings) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking seeks to incorporate the statutory changes that the Council of the District of Columbia (Council) made in 2019 when it passed the following four bills: (1) Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019, effective February 21, 2020 (D.C. Law 23-51; D.C. Official Code § 25-101 *passim*); (2) Manufacturer and Pub Permit Parity Amendment of 2019, effective February 21, 2020 (D.C. Law 23-54; D.C. Official Code § 25-101 *passim*); (3) Alcoholic Beverage Procedural and Technical Amendment Act of 2019, effective February 21, 2020 (D.C. Law 23-52; D.C. Official Code § 25-101 *passim*); and (4) Alcoholic Beverage Enforcement Amendment Act of 2019, effective February 21 2020 (D.C. Law 23-50; D.C. Official Code § 25-101 *passim*). The proposed rulemaking would also make technical and procedural changes to Title 23 DCMR that are unrelated to the four aforementioned bills.

Chapter 1 (Provisions of General Applicability) is amended to add new terms and definitions to 23 DCMR § 199. Chapter 3 (Limitations on Licenses), is amended to clarify that full-service grocery stores are exempt from the class B quota limits and to be consistent with changes made to D.C. Official Code § 25-314. Chapter 5 (License Applications) is amended by adding a new § 500.5 to make clear that the licensee must notify ABRA of any changes to its contact information within 30 days of a change.

The proposed rulemaking would make several changes to Chapter 7 (General Operating Requirements). Section 705 is amended by repealing the prohibition against "backup drinks". Section 709 is amended to only require notification to the Board by the licensee of criminal convictions of the owner, ABC-licensed manager, and solicitors. Lastly, § 712 is amended to reflect the Council's amendment extending the length of pub crawl licenses from one (1) year to three years.

Chapter 8 (Enforcement, Infractions, and Penalties) is amended to allow the Board to issue an order to cease and desist for a licensee's failure to comply with a Mayor's Order during a public health emergency. Chapter 10 (Endorsements) is amended by adding a new sports wagering endorsement and application.

Chapter 12 (Records and Reports) is amended to (1) allow on-premises retailer licensees, CR, DR, CH, and DH, to self-certify their quarterly statement of expenditures and receipts, (2) repeal the annual reporting requirement, (3) permit quarterly statements to be submitted electronically or digitally, and (4) clarify the information that must be reported in the quarterly statement. Additionally, Chapter 16 (Contested Hearings, Non-contested Hearings, Protest Hearings, and Procedures) is amended to (1) allow for the granting of conditional standing at roll call hearings and to allow the Advisory Neighborhood Commission (ANC) to designate a non-ANC member as a representative for protest purposes, (2) further clarify the purpose of the protest status hearing, (3) remove duplicative language and to authorize the Board to reject settlement agreements in certain circumstances, and (4) allow the Board to dismiss the Applicant or the Protestant for the failure to pursue their case.

Chapter 17 (Procedural Requirements for Board Hearings), amends § 1710 to (1) allow the Board's Chairperson to issue subpoenas; (2) clarify the Board Chairperson's responsibilities; and (3) clarify that the Board's Chairperson may designate another Board member to serve in his or her absence. In addition, § 1720 is amended to clarify *ex parte* communications with the Board.

The Board gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not fewer than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Further, the Board will transmit the proposed rulemaking to the Council of the District of Columbia for a ninety (90)-day period of review in accordance with D.C. Official Code § 25-211(b)(2) (2012 Repl.), whereby Council approval of the rulemaking is required prior to adoption.

Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 199, DEFINITIONS, is amended by adding the following terms and definitions in alphabetical order:

199 DEFINITIONS

199.1

Board-approved manager – a person, other than the owner, who is licensed by ABRA and is required to be on duty and on the premises during the approved licensed hours of sales, service, and consumption of alcoholic beverages.

Legitimate theater – the premises in which the principal business shall be the operation of live theatrical, operatic, or dance performances, the operation of recreational facilities, the viewing of motion picture films, or such other lawful adult entertainment as the Board, giving due regard to the convenience of the public and the strict avoidance of sales prohibited by Title 25 of D.C. Official Code, shall classify as a legitimate theater.

Service – unless the context indicates a different meaning, the term means to directly or indirectly provide, give, furnish, or distribute for the consumption of alcoholic beverages.

Solicitor – a person licensed by ABRA who is a representative of the wholesaler or manufacturer whose name appears on the solicitor’s license and who is permitted to sell alcoholic beverages on behalf of the wholesaler or manufacturer.

Sports wagering – shall have the same meaning as in D.C. Official Code § 36-601.01(c)(17).

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 300, LIMITATION ON THE NUMBER OF CLASS A AND CLASS B RETAILER’S LICENSES, is amended by adding a new § 300.3 to read as follows:

300.3 The quota limit set forth in § 300.2 shall not prohibit the issuance of a license for an off-premises retailer’s license, class B, for the sale of alcoholic beverages if the establishment meets the requirements set forth in D.C. Official Code § 25-331(d).

Section 300, LIMITATION ON THE NUMBER OF CLASS A AND CLASS B RETAILER’S LICENSES, is further amended by renumbering existing § 300.3 through 300.9 as § 300.4 through § 300.10.

Section 302, LICENSES NEAR SCHOOLS, COLLEGES, UNIVERSITIES, AND RECREATION AREAS, is amended by amending §§ 302.3, 302.8, and 302.10 in their entirety to read as follows:

302.3 A license may be issued, in the discretion of the Board, for a place of business located within four hundred feet (400 ft.) of a college or university if one (1) of the following applies:

- (a) The Board is satisfied that the college or university does not object to the granting of the license, as evidenced by a written statement to the Board from the governing body of the college or university;
- (b) The college or university is itself the holder of a license; or
- (c) The license is an on-premises retailer’s license, C/R, D/R, C/H, D/H, C/T, D/T, C/X, or D/X that will be located entirely on a college or university campus and will not have direct public access to the street or the outside of the college’s or university’s main entrance.

302.8 Repealed.

302.10

The four hundred foot (400 ft.) restriction shall not apply to an application for an off-premises retailer's license class B that meets one (1) of the following three (3) exceptions:

- (a) The applicant's establishment will be located inside of a hotel and will have no direct public access to the street or the outside of the hotel's building; or
- (b) The applicant:
 - (1) Meets the definition of a full-service grocery store pursuant to § 199.1;
 - (2) The sale of alcoholic beverages constitutes no more than fifteen percent (15%) of the total volume of gross receipts on an annual basis;
 - (3) The establishment is not located in a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission for the District of Columbia, or if located within the Southeast Federal Center, in the SEFC-1 zone;
 - (4) The opinion of the ANC, if any, in which the establishment is located has been given great weight; and
 - (5) The applicant does not hold a manufacturer's or wholesaler's license; or
- (c) The applicant applies for an off-premises retailer's license, class B:
 - (1) Qualifies as a corner store and has been approved by the Board of Zoning Adjustment for a special exception under Chapter 2 of Title 11-U DCMR (11-U DCMR § 254);
 - (2) The applicant's establishment is located in ANC 1B;
 - (3) The sales area of the applicant's establishment that is devoted to the sale of alcohol for off-site consumption constitutes no more than fifteen percent (15%) of the gross floor area of the ground floor of the corner store;
 - (4) The applicant's sale of alcoholic beverages constitutes no more than fifteen percent (15%) of the total volume of gross receipts on an annual basis;
 - (5) The applicant's establishment is located in a Great Streets Corridor; and

(6) The opinion of the ANC, if any, has been given great weight.

Chapter 5, LICENSE APPLICATIONS, is amended as follows:

Section 500, APPLICATION FORMAT AND CONTENTS, is amended by adding a new § 500.5 to read as follows:

500.5 Any changes to an applicant’s listed contact information, including mailing address, e-mail address, and telephone number, provided on its license application that has been submitted to or approved by the Board shall be reported to ABRA within thirty (30) calendar days of the change. The failure to comply after a written warning has been issued concerning the licensee’s timely compliance with this subsection, shall be deemed a secondary tier violation and may result in the Board issuing a fine, suspension or revocation of the license.

Chapter 7, GENERAL OPERATING REQUIREMENTS, is amended as follows:

Section 705, HOURS OF SALE AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES, is amended by repealing § 705.12 so that it reads as follows:

705.12 Repealed.

Section 709, NOTICE OF EMPLOYEE’S CRIMINAL CONVICTION, is amended in its entirety to read as follows:

709 NOTICE OF CRIMINAL CONVICTION

709.1 A licensee shall immediately notify the Board in writing if the licensee discovers that a Board-approved manager, owner, or solicitor has been convicted of an offense other than a minor traffic offense; except, that there shall be no notification required for any such conviction that is more than five (5) years old.

709.2 For purposes of this section, “immediately” shall mean notifying the Board within seven (7) calendar days upon discovery of the criminal conviction.

Section 712, PUB CRAWLS, is amended by amending § 712.4 in its entirety to read as follows:

712.4 The annual fee for a pub crawl license shall be five hundred dollars (\$500). A pub crawl license shall remain in effect for three (3) years unless the license is suspended or revoked prior to its expiration.

Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended as follows:

Section 809, CEASE AND DESIST ORDERS, is amended by amending § 809.1 by: (1) striking the phrase “deadline; or” and inserting the phrase “deadline;” in its place in paragraph (f); (2) striking the phrase “unpaid.” and inserting the phrase “unpaid; or” in its place in paragraph (g); and (3) adding a new paragraph (h), so that the entire subsection reads as follows:

- 809.1 The Board, in its discretion, may issue a cease and desist order immediately suspending a licensee’s liquor license when one (1) of the following has occurred:
- (a) The licensee has been issued a notice of summary suspension by the Department of Health;
 - (b) The licensee’s basic business license has expired;
 - (c) The licensee’s certificate of occupancy has been revoked or expired;
 - (d) The licensee’s sales tax certificate has been suspended or revoked by the Office of Tax and Revenue;
 - (e) The corporation, limited liability company, or partnership owning the liquor license is no longer in good standing to operate in the District;
 - (f) The licensee has failed to pay a Board-ordered fine or a citation by the payment deadline;
 - (g) Where payment has been made to ABRA with a check returned unpaid; or
 - (h) Where the licensee fails to comply with a Mayor’s Order to cease operations in order to protect the public health, welfare, and safety of District residents.

Chapter 10, ENDORSEMENTS, is amended as follows:

Sections 1006, TEMPORARY RESTAURANT ENDORSEMENT, and 1007, ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE, are renumbered as Sections 1008 and 1009, respectively.

A new Section 1006 is added to read as follows:

1006 SPORTS WAGERING ENDORSEMENT

- 1006.1 No licensee under an on-premises retailer’s license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, C/X, D/X, class Arena C/X, or a manufacturer’s license class A or B holding an on-site sales and consumption permit, shall be permitted to offer

sports wagering without obtaining a sports wagering endorsement from the Board in accordance with D.C. Official Code § 25-113a(d).

A new Section 1007 is added to read as follows:

1007 SPORTS WAGERING ENDORSEMENT APPLICATION

1007.1 An applicant for a sports wagering endorsement shall apply on a form provided by ABRA. The form shall require, at a minimum, the following:

- (a) The name of the licensee;
- (b) The establishment's address;
- (c) The requested number of sports wagering mechanical or electronic devices, along with where the devices will be placed on the licensed premises; and
- (d) A detailed diagram of the licensed premises.

Chapter 12, RECORDS AND REPORTS, is amended as follows:

Section 1207, QUARTERLY STATEMENTS AND ANNUAL REPORTS OF RESTAURANTS AND HOTELS, is amended by (1) amending the section title to read as QUARTERLY STATEMENT REPORTS OF RESTAURANTS AND HOTELS, (2) amending § 1207.1, (3) repealing §§ 1207.5 through 1207.8, and (4) amending § 1207.9 to read as follows:

1207.1 Within thirty (30) days after the end of each quarter, the holder of a Retailer's license, class CR, DR, CH, or DH, shall file with the Board a self-certified statement of expenditures and receipts by the licensed establishment during that quarter. The statement, which may be submitted electronically or digitally to the Board, shall include the following:

- (a) The total amount of receipts for the sale of alcoholic beverages and food;
- (b) Of that total, the amount received for the sale of alcoholic beverages and the amount received for the sale of food, and the percentages of the total receipts represented by the respective amounts;
- (c) Total expenditures for alcoholic beverages and food;
- (d) Of that total, the amount expended for alcoholic beverages and the amount expended for food, and the percentages of the total expenditures represented by the respective amounts;

- (e) A statement indicating the method used to compute the amounts and percentages.
- (f) For purposes of this section, each licensee shall report under “alcoholic beverages” any non-alcoholic liquid or solid served as part of the contents of an alcoholic beverage, and
- (g) In computing the amounts received and expended for alcoholic beverages and for food, a licensee shall exclude:
 - (1) All amounts received for taxes and gratuities in conjunction with these transactions; and
 - (2) All amounts, including surcharges, related to obtaining and providing entertainment or any other goods and services unrelated to the provision of food and alcoholic beverages at the licensed establishment.

1207.5 Repealed.

1207.6 Repealed.

1207.7 Repealed.

1207.8 Repealed.

1207.9 The making of a false statement on a quarterly statement with the knowledge of the license holder, shall constitute grounds on which the Board may deny the renewal of the license, or subsequently revoke the license, when the renewal of the license is based wholly or in part on the contents of the false statement.

Chapter 16, CONTESTED HEARINGS, NON-CONTESTED HEARINGS, PROTEST HEARINGS, AND PROCEDURES, is amended as follows:

Section 1603, ROLL CALL HEARING, §§ 1603.2 AND 1603.3, are amended to read as follows:

1603.2 Each applicant and each protestant shall attend the roll call hearing in person or appear through a designated representative.

1603.3 The ANC may designate any member or every member of its Commission, or a non-member of the Commission to participate in the protest process, hearings, and negotiating settlement agreements.

Section 1603, ROLL CALL HEARING, is amended by adding a new § 1603.4 and 1603.5 to read as follows:

1603.4 A protestant consisting of a group of five (5) or more members, or three (3) or more members if protesting in a moratorium zone, shall have no fewer than five (5) members, or three (3) members if protesting in a moratorium zone, appear at the roll call hearing in order to be granted standing to protest.

1603.5 When a protestant fails to produce five (5) members, or three (3) members if protesting in a moratorium zone, at the roll call hearing, the Board’s Agent may only grant conditional standing to the protestant at that time. The protestant must produce the requisite remaining number of members of its group at the status hearing in order to be granted full standing.

Section 1603, ROLL CALL HEARING, is amended by renumbering current § 1603.4 through § 1603.9 as § 1603.6 through § 1603.11.

Section 1604, PROTEST STATUS HEARING, is amended by amending § 1604.1 to read as follows:

1604.1 The protest status hearing is a proceeding held by the Board at which the parties may address any unresolved legal issues from the roll call hearing, including whether a protestant granted conditional standing has subsequently met the standard for full standing, or address motions or pleadings previously filed with the Board.

Section 1610, SETTLEMENT AGREEMENTS, is amended by (1) repealing § 1610.4 and (2) amending § 1610.9 so that they read as follows:

1610.4 Repealed.

1610.9 Settlement agreements shall be submitted to the Board for the Board’s consideration no later than ninety (90) calendar days after execution by the parties. Any settlement agreement submitted after ninety (90) calendar days from date of execution will not be considered by the Board.

Section 1618, DISMISSAL FOR FAILURE TO PURSUE AN APPLICATION OR PROTEST, is amended in its entirety to read as follows:

1618 DISMISSAL FOR FAILURE TO PURSUE AN APPLICATION OR PROTEST

1618.1 Absent good cause, where an applicant or a protestant fails to appear for hearings, fails to file requested pleadings, or fails to comply with a Board order, the Board shall, on its own motion, dismiss the application or protest.

- 1618.2 Examples of good cause include, but are not limited to:
- (a) The Applicant or Protestant did not receive notice of a scheduled hearing;
 - (b) The Applicant or Protestant had an emergency that prevented him or her from appearing at the hearing; or
 - (c) The Applicant or Protestant did not receive the Board order or the Board’s request for pleadings.

Chapter 17, PROCEDURAL REQUIREMENTS FOR BOARD HEARINGS, is amended as follows:

Section 1710, SCHEDULING AND CONDUCT OF HEARINGS: GENERAL PROVISIONS, is amended by amending § 1710.6 and § 1710.7 in their entirety to read as follows:

- 1710.6 The Chairperson of the Board shall have the authority to:
- (a) Open and close a meeting or hearing;
 - (b) Administer oaths and affirmations;
 - (c) Regulate the course of the hearing and the conduct of the parties and their representative;
 - (d) Take any other action in accordance with the above provisions in furtherance of a fair and orderly hearing; and
 - (e) Issue subpoenas requested by parties to require the attendance and testimony of witnesses and the production of all documentary evidence related to the merits of the hearing.
- 1710.7 In the event the Chairperson is unable or unavailable to preside over a hearing or meeting, the Chairperson may designate a member of the Board to act as the presiding officer in the Chairperson’s absence.

Section 1720, EX PARTE COMMUNICATIONS, is amended by amending § 1720.2 and § 1720.3 to read as follows:

1720 EX PARTE COMMUNICATIONS

- 1720.2 The prohibitions set forth in § 1720.1 shall apply upon the filing of a protest against an application for an original, transfer, substantial change or renewal license, or upon the issuance of notice to appear for a show cause hearing.

1720.3 For purpose of this section, “*ex parte* communication” does not include an inquiry regarding the Board’s procedure or practice, or a request for a status report on a matter, proceeding, or notice of a meeting or hearing.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email martha.jenkins@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2019 Repl.)) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of proposed rulemaking to amend Chapter 2 (License and Permit Categories) and Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking would amend the chapter, including:

1. Revising and clarifying auction permits – public, personal and nonprofit wine auction permits;
2. Renaming and revising the requirements for wine and beer permits;
3. Creating a new manufacturer carryout permit;
4. Revising the requirements for storage facility permits;
5. Adding new endorsement and permit fees in order to ensure that the fees listed in Chapter 2 are consistent with Title 25 of the D.C. Official Code;
6. Updating the licensure periods; and
7. Renumbering and reorganizing the sections.

In addition to the aforementioned amendments, the proposed rulemaking would move the following two sections that are currently in Chapter 7 (General Operating Requirements) to chapter 2 (License and Permit Categories) so that all of licenses and permits are housed in the same chapter:

1. § 703 – Temporary Operating Retail Permit
2. § 711 – Permits for Sampling of Alcohol Beverages

The Board is not seeking to make any substantive changes to the licensing fees (§ 208) or the application fees (§ 210). Those fees will remain the same but the proposed rulemaking will renumber these sections.

On June 24, 2020, by a vote of seven (7) to zero (0), the Board approved the proposed rules. The Board also gives notice of its intent to take final rulemaking action to adopt these rules on a permanent basis in not fewer than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Further, the Board will transmit the proposed rulemaking to the Council of the District of Columbia for a ninety (90)-day period of review in accordance with D.C. Official Code § 25-211(b)(2)(2012 Repl.), whereby Council approval of the rulemaking is required prior to adoption.

Chapter 2, LICENSE AND PERMIT CATEGORIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 200, STIPULATED LICENSE, is amended in its entirety to read as follows:

200 STIPULATED LICENSE

- 200.1 An applicant who has submitted a completed license application for a manufacturer's, wholesaler's, or retailer's license may obtain a stipulated license under the following conditions:
- (a) The applicant has applied for or holds a manufacturer's, wholesaler's, or retailer's license;
 - (b) The applicant has submitted a stipulated license application; and
 - (c) The applicant has submitted written correspondence signed by an ANC officer where the applicant's premises is located stating that the ANC has voted with a quorum present to either support or not to object to the issuance of a stipulated license during the forty-five (45)-day protest period.
- 200.2 The holder of a retailer's license, class C or D, may also apply to the Board for a stipulated license in accordance with § 200.1 for any amendment or endorsement to its license that is determined by the Board to be a substantial change, including a stipulated sidewalk café, summer garden, or entertainment endorsement.
- 200.3 The applicant must stop serving or selling alcoholic beverages under the stipulated license if a valid protest is filed during the forty-five (45)-day protest period.

A new Section 201 is added to read as follows:

201 TEMPORARY OPERATING RETAIL PERMIT

- 201.1 The purchaser of an ABC licensed establishment that seeks to continue business operations authorized by the purchased license while awaiting Board approval on a transfer of ownership application where there is no substantial change to the licensed premises may apply to the Board for a permit to temporarily operate under the license pursuant to the following conditions:
- (a) The transfer application must be filed with or before the application for temporary authority;
 - (b) The subject premises must not have been closed nor the sale or service of alcoholic beverages discontinued during the thirty (30) days immediately prior to the filing of the permit application; and
 - (c) That no substantial changes to the licensed premises will occur.

201.2 An applicant for a temporary operating retail permit shall complete an application provided by the Board that at a minimum shall include:

- (a) The name of the applicant;
- (b) The license number;
- (c) The name of the current licensee;
- (d) The address of the licensed premises; and
- (e) A signed statement that no substantial change to the licensed premises will occur.

201.3 The holder of the temporary operating retail permit may purchase alcoholic beverages only by check, currency, electronic funds transfer, or other type of immediate transfer of money on or before delivery of the alcoholic beverages to the premises, unless the permit holder already holds another retail license.

201.4 The temporary operating retail permit shall be valid until the applicant’s transfer application is either granted or denied by the Board or until the permit is cancelled or suspended by the Board pursuant to § 201.6.

201.5 Notwithstanding § 201.4, no temporary operating retail permit shall be valid for longer than ninety (90) calendar days unless extended by the Board for good cause.

201.6 The temporary operating retail permit may, after a hearing, be cancelled or suspended at any time, if the Board determines that good cause exists for the cancellation or suspension of the permit.

A new Section 202, PUBLIC AUCTION PERMIT, is added to read as follows:

202 PUBLIC AUCTION PERMIT

202.1 A public auction permit shall authorize the following persons to auction alcoholic beverages for sale at a Board-approved location for purchase by other licensees or members of the public:

- (a) A licensee that is going out of business or whose license has been cancelled, revoked, or not renewed by the Board; or
- (b) A licensee’s successor.

A new Section 203, PERSONAL AUCTION PERMIT, is added to read as follows:

203 PERSONAL AUCTION PERMIT

- 203.1 A personal auction permit shall authorize the holder of the permit to auction for sale the personal alcoholic beverage stock of an individual or his or her estate at a Board-approved location for consumption off-premises by the purchasing party.
- 203.2 A personal auction permit to sell alcoholic beverages at an estate sale may be obtained by either an off-premises retailer or wholesaler licensed to carry the products being sold or an individual or corporate entity without an ABC license. However, a personal auction permit to sell an individual's own private alcoholic beverage stock not related to an estate sale must be obtained by an off-premises retailer or wholesaler licensed to carry the products being sold.

A new Section 204, PUBLIC AND PERSONAL AUCTION PERMIT RESTRICTIONS, is added to read as follows:

204 PUBLIC AND PERSONAL AUCTION PERMIT RESTRICTIONS

- 204.1 Any purchased barrel, keg, sealed bottle, or other closed container purchased at auction shall not be opened, or the contents consumed, at the approved location.
- 204.2 An auction permit issued in accordance with §§ 202 and 203 shall not be issued for more than two (2) consecutive days.
- 204.3 An auction permit issued in accordance with §§ 202 and 203 shall not be issued more than once a year to an individual or corporate entity that does not hold an ABC license.
- 204.4 Before an auction is held, the holder of an auction permit issued in accordance with §§ 202 and 203 shall provide to the Board written notice of:
- (a) The date, time and place of the auction; and
 - (b) The inventory of the alcoholic beverages to be auctioned.

The current Section 202, NONPROFIT CORPORATION AUCTION PERMIT, is amended by (a) renaming the section, (b) renumbering it § 205, (c) adding manufacturer licenses, and (d) clarifying that only wine can be auctioned, so that the entire section reads as follows:

205 NONPROFIT CORPORATION WINE PERMIT

- 205.1 A nonprofit corporation wine permit shall allow the retail sale of wine at auction, provided the auction is held as part of a fundraising event to benefit the

organization’s tax exempt activities. Each permit shall allow the sale of wine at a single auction only.

205.2 The Board shall not grant a nonprofit corporation more than two (2) nonprofit corporation wine permits in a calendar year.

205.3 Wine sold at auction must be purchased or donated from or through the holder of a manufacturer’s, wholesaler’s or retailer’s license.

205.4 A nonprofit corporation wine permit may be issued in conjunction with a temporary license. However, wine purchased at auction shall not be opened, or the contents consumed, at the auction site.

The current Section 203, WINE AND BEER PURCHASING PERMIT, is amended by (a) renaming the section, (b) renumbering it § 206, and (c) including spirits and distillery pub permit holders, so that the entire section reads as follows:

206 RETAILER PURCHASING PERMIT

206.1 A retailer purchasing permit shall allow the holder of an off-premises retailer’s license, class A or B, AI or BI, distillery pub endorsement, wine pub endorsement, or brew pub endorsement to sell spirits, wine, or beer to the public at the premises of the holder of an on-premises retailer’s license, class C or D, or temporary license for off-premises consumption.

206.2 Alcoholic beverages purchased at the Board-approved location from the holder of an off-premises retailer’s license, class A or B, AI or BI, distillery pub endorsement, wine pub endorsement, or brew pub endorsement under a retailer purchasing permit shall not be opened or consumed at the Board-approved location.

206.3 The holder of a retailer purchasing permit may remove closed containers of beer, wine, or spirits from the Board-approved location, but shall not remove opened containers of beer, wine, or spirits from the Board-approved location. This subsection shall also apply to customers who purchase or receive alcoholic beverages at the Board-approved location.

206.4 A retailer purchasing permit shall not be issued for more than four (4) consecutive calendar days.

A new Section 207, MANUFACTURER CARRY-OUT PERMIT, is added to read as follows:

207 MANUFACTURER CARRY-OUT PERMIT

207.1 A manufacturer carry-out permit shall allow the holder of a manufacturer’s license, class A, B, or C to sell spirits, wine, or beer produced by the licensee to the public at a location other than the licensed premises for off-premises consumption.

- 207.2 Alcoholic beverages purchased from the holder of a manufacturer carry-out permit shall be in unopened containers and shall not be consumed on the licensed premises.
- 207.3 Notwithstanding § 207.2, the holder of both a manufacturer carry-out permit and a tasting permit may conduct tastings on the licensed premises consistent with the sampling requirements and limits set forth in D.C. Official Code § 25-118.
- 207.4 A manufacturer carry-out permit shall not be issued more than twelve (12) times in a calendar year to the same manufacturer licensee.

The current Section 204, DISPOSAL PERMIT, is renumbered § 208 and is amended to read as follows:

208 DISPOSAL PERMIT

- 208.1 A disposal permit shall allow the holder of a retailer's license who has had its license cancelled or revoked or is going out of business to sell or transport its remaining alcoholic beverages to a wholesaler or retailer located in the District or licensed under the law of any state or territory of the United States.
- 208.2 Alcoholic beverages sold under a disposal permit shall be delivered either to the purchasing wholesaler or retailer's licensed location or to another Board-approved location within the District.

A new Section 209 is added to read as follows:

209 TASTING PERMITS FOR SAMPLING ALCOHOLIC BEVERAGES

- 209.1 The holder of an off-premises retailer's license, class A or B who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of alcoholic beverages, during its hours of sales and service unless restricted by Board order or settlement agreement.
- 209.2 The holder of an off-premises retailer's license, class AI, who is issued a tasting permit may use a portion of the licensed premises for the sampling of authorized alcoholic beverages during its hours of sales and service; provided that the tastings are:
- (a) Not open to the public; and
 - (b) Limited to temporary and festival license holders and caterers.
- 209.3 The holder of an off-premises retailer's license, class BI, who is issued a tasting permit may use a portion of the licensed premises for the sampling of wine and beer during its hours of sales and service; provided that the tastings are:

- (a) Not open to the public; and
 - (b) Limited to temporary and festival license holders.
- 209.4 The holder of a manufacturer's license, class A, B, or C, who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of authorized alcoholic beverages between the hours set forth in D.C. Official Code § 25-118(e).
- 209.5 The holder of a wholesaler's license, class A or B, who is issued a tasting permit may utilize a portion of the licensed premises for the sampling of authorized alcoholic beverages, between the hours set forth in D.C. Official Code § 25-118(f)(1) provided that the tastings are:
- (a) Not open to the public;
 - (b) For the purpose of educating staff and introducing products to licensees; and
 - (c) Limited to the following:
 - (1) Retailers;
 - (2) Manufacturers;
 - (3) Temporary and festival license holders;
 - (4) Solicitors; and
 - (5) Wholesaler staff.
- 209.6 The holder of an off-premises retailer's license, class AI or BI, or wholesaler's license, class A or B, or a private collector, who is issued a tasting permit may also offer samplings of alcoholic beverages at a designated common area in a storage facility, provided that the licensee is a tenant of the storage facility and the tastings are closed to the public.
- 209.7 No licensee may offer the sampling of alcoholic beverages without obtaining a tasting permit from the Board. A request for a tasting permit shall be in writing and shall:
- (a) State in detail the type of beverages to be offered in the sampling;
 - (b) Include drawings of the premises indicating the areas where the sampling is to take place; and

- (c) State the hours and days during which the sampling is to take place.
- 209.8 Containers of alcoholic beverages used for sampling purposes shall be labeled as such and may not be sold.
- 209.9 A tasting permit issued under this section shall be valid for no longer than three (3) years. The permit shall expire on the same date as the applicant's retailer's, wholesaler's, or manufacturer's license.
- 209.10 The holder of a tasting permit shall be authorized to provide to one (1) customer in any one (1) day samples that do not exceed the following quantities:
- (a) Three ounces (3 oz.) of spirits;
- (b) Six ounces (6 oz.) of wine; and
- (c) Twelve ounces (12 oz.) of beer.
- 209.11 Notwithstanding § 209.10, a private collector who holds a tasting permit may offer samplings greater than six ounces (6 oz.) of wine; provided that the private collector does not serve the customer more than one two-ounce (2 oz.) sampling at a time.

The current Section 205, STORAGE FACILITY PERMIT, is renumbered § 210 and amended to read as follows:

210 STORAGE FACILITY PERMIT

- 210.1 A storage facility permit shall allow the holder to establish a bonded warehouse in the District of Columbia as a storage facility for alcoholic beverages by the holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or a caterer's license who possesses an off-premises storage permit, or for the accounts of other persons.
- 210.2 The holder of a storage facility permit shall be authorized to handle alcoholic beverages at the storage facility. The handling of alcoholic beverages under this subsection shall include the following:
- (a) Packaging and repackaging services;
- (b) Bottle labeling services;
- (c) Creating buckets or variety packs that may include non-alcoholic products; and
- (d) Picking, packing, and shipping alcoholic beverage orders directly to the consumer.

- 210.3 Alcoholic beverages stored in a storage facility may be removed from the storage facility only for the purpose of being:
- (a) Exported from the District;
 - (b) Shipped to a holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, or retailer's license, class A, B, C, or D;
 - (c) Shipped or delivered to a catered event site;
 - (d) Shipped or delivered to a consumer; or
 - (e) Returned to a private collector who is a tenant.
- 210.4 The storage facility shall be physically secure, zoned for the intended use and physically separated from any other use.
- 210.5 Delivery of alcoholic beverages to a storage facility shall create a bailment in favor of the holder of a storage facility permit.
- 210.6 Warehousing of alcoholic beverages by any person other than a holder of a manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, caterer's license, or a private collector with a tenant agreement is prohibited.
- 210.7 A licensee may conduct other activities at the storage facility with the Board's approval; except, that the licensee shall not be permitted to sell, serve, or allow the consumption of alcoholic beverages at the storage facility except as permitted by § 209 and D.C. Official Code § 25-118.
- 210.8 The holder of a storage facility shall post, in a conspicuous place, the following:
- (a) A warning sign, in accordance with the requirements set forth in § 719.1;
 - (b) A copy of the storage facility permit; and
 - (c) A copy of the manufacturer's license, class A, B, or C, wholesaler's license, class A or B, retailer's license, class A, B, C, or D, or the caterer's license in the licensed portion of the storage facility.
- 210.9 The holder of the storage facility permit shall, upon request, provide its permit to an ABRA investigator or member of the Metropolitan Police Department for inspection.

210.10 The holder of a storage facility permit shall maintain on the licensed premises, the following:

- (a) Three (3) years of records identifying the brand and quantity of alcoholic beverages being stored at the storage facility; and
- (b) The movement of alcoholic beverages to and from the storage facility over the past three (3) years.

210.11 The Board shall have the right to inspect the warehouse of a storage facility permit holder as and when it may deem necessary for the proper regulation of the storage of alcoholic beverages.

210.12 A storage facility permit shall be valid for three (3) years.

A new Section 211, OFF-PREMISES STORAGE, is added to read as follows:

211 OFF-PREMISES STORAGE PERMIT

211.1 The holder of a manufacturer’s license, class A, B, or C, wholesaler’s license, class A or B, retailer’s license, class A, B, C, or D, or a caterer’s license shall obtain an off-premises storage permit to store alcoholic beverages at a storage facility approved by the Board.

211.2 An off-premises storage permit shall be valid for three (3) years.

The current Section 211, ALCOHOL CERTIFICATION PROVIDER PERMIT, is renumbered § 212 and amended in its entirety to read as follows:

212 ALCOHOL CERTIFICATION PROVIDER PERMIT

212.1 A person or entity wishing to become an alcohol certification provider shall obtain an alcohol certification provider permit which shall allow the holder to provide an alcohol training and education certification program in the District of Columbia.

212.2 An alcohol certification provider permit shall be valid for three (3) years.

212.3 An alcohol certification provider shall include the following subjects in its alcohol and education training program:

- (a) The effect of alcohol on the body and behavior, especially as to driving ability;
- (b) Recognizing the problem drinker;

- (c) Intervention techniques, involving methods of dealing with the problem customer who has had or is approaching the point of having had too much to drink;
- (d) Methods of recognizing and dealing with underage customers;
- (e) Prevention techniques involving effective identification and carding procedures, and methods to reasonably regulate the service of alcoholic beverages to patrons;
- (f) Explanation of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001 and this title;
- (g) Advertising, promotion, and marketing of alcoholic beverages; and
- (h) Explanation that alcoholism is a chronic, progressive disease and that treatment is available through clinical providers and mutual support groups.

212.4 Independent contractors, private individuals, or educational institutions which seek approval to provide alcoholic beverage server training shall proceed as follows:

- (a) Submit a letter of intent to the ABRA Director which must include a copy of all training materials, curriculum, and examinations, along with the annual fee set forth in § 216.1 for the entire three (3)-year permit period.
- (b) ABRA's Enforcement Division shall prepare a written report evaluating the program's compliance with the training standards for the Director's review.
- (c) Should the ABRA Director find that the applicant meets the requirements of this section, the application will then be placed before the Board for consideration at its next regularly scheduled meeting.
- (d) The Board shall make the final determination as to the qualifications of the applicant and compliance of the applicant's program with § 212.3.
- (e) An alcohol certification provider permit shall expire after three (3) years from the date that the Board issues the permit. The alcohol certification provider may resubmit a program to the Board for approval as part of its application to renew its certification provider permit.

The current Section 206, SPECIAL LICENSING PROVISIONS, is renumbered § 213 and is amended to read as follows:

213 SPECIAL LICENSING PROVISIONS

- 213.1 No holder of an on-premises retailer's license, class C or D, shall sell or serve alcoholic beverages in closed containers, with the following exceptions:
- (a) Holders of class CH and DH Hotel licenses may sell and serve alcoholic beverages in closed containers in the private rooms of their registered guests; and
 - (b) Holders of class CX and DX Club licenses may sell and serve alcoholic beverages in closed containers in any room or area available only to bona fide members of the club or their guests.
- 213.2 A restaurant or delicatessen located within a pavilion, shopping mall, or shopping center may be allowed to sell beer, wine or spirits to customers for on-premises consumption; provided that:
- (a) The restaurant or delicatessen holds the appropriate on-premises retailer's license;
 - (b) Alcoholic beverages are consumed on the licensed premises or within the common areas of the pavilion, shopping mall, or shopping center approved by the Board, which shall be deemed part of the licensed establishment for purposes of D.C. Official Code § 25-113; and
 - (c) The alcoholic beverage containers bear the licensed establishment's name.
- 213.3 The Board shall not grant an on-premises retailer's license, class CN or DN, to a hotel unless the hotel holds an on-premises retailer's license, class CH or DH.
- 213.4 Nothing in this section shall preclude the holder of an off-premises retailer's license, class A or B, from having tables and chairs available to their customers either inside or outside, provided that alcoholic beverages are not opened or consumed on the licensed premises.
- 213.5 Notwithstanding § 213.4, an off-premises retailer's license, class B, that qualifies as a full-service grocery store, and possesses an on-premises retailer's license class, CR or DR, may sell and serve alcoholic beverages for on-premises consumption.

The current Section 207, **LICENSURE PERIODS**, is amended by (a) renumbering it § 214, and (b) updating the licensure renewal periods, including adding pub crawl licenses, so that it reads follows:

214 LICENSURE PERIODS

214.1 Except as provided for in § 214.2, the following licenses or permits issued by the Board shall be valid for three (3) years:

- (a) Manufacturer's license;
- (b) Wholesaler's license;
- (c) Off-premises Retailer's license;
- (d) On-premises Retailer's license;
- (e) Caterer's license;
- (f) Solicitor's license;
- (g) Farm winery retail licenses;
- (h) Pub crawl license
- (i) Alcohol certification permit;
- (j) Tasting permit;
- (k) Storage facility permit; and
- (l) Off-premises storage permit.

214.2 Licenses issued by the Board shall be valid for less than three (3) years in the following instances:

- (a) When suspended or revoked;
- (b) In the case of temporary, festival, and farmer's market licenses;
- (c) When the license takes effect on a date in between the dates established by the Board for the regular licensure period of each license class, in which case the license shall be valid only until the end of the licensure period; and
- (d) In the case of stipulated licenses.

214.3 The three (3)-year renewal period for each license listed below shall occur sequentially every three (3) years starting with the following dates:

License Class	Licensure Period	Ending Year
Manufacturer A	Apr. 1 to Mar. 31	2021
Wholesaler A	Apr. 1 to Mar. 31	2021
Retailer A	Apr. 1 to Mar. 31	2021
Manufacturer B	Oct. 1 to Sept. 30	2020
Wholesaler B	Oct. 1 to Sept. 30	2020
Retailer B	Oct. 1 to Sept. 30	2020
Retailer CR	Apr. 1 to Mar. 31	2022
Retailer CT	Oct. 1 to Sept. 30	2022
Retailer CN	Oct. 1 to Sept. 30	2022
Retailer CH	Apr. 1 to Mar. 31	2022
Multipurpose facility CX	Apr. 1 to Mar. 31	2022
Club CX	Apr. 1 to Mar 31	2022
Common Carrier CX	Apr. 1 to Mar 31	2022
Retailer Arena CX	Apr. 1 to Mar 31	2022
Retailer DR	Apr. 1 to Mar. 31	2022
Retailer DT	Oct. 1 to Sept. 30	2022
Retailer DN	Oct. 1 to Sept. 30	2022
Retailer DH	Apr. 1 to Mar. 31	2022
Multipurpose facility DX	Apr. 1 to Mar. 31	2022
Club DX	Apr. 1 to Mar 31	2022
Common carrier DX	Apr. 1 to Mar 31	2022
Caterer	Apr. 1 to Mar 31	2022
Solicitor	July 1 to June 30	2023
Farm winery retail	Oct. 1 to Sept. 30	2021
Alcohol certification provider permit	July 1 to June 30	2023
Pub Crawl License	Oct. 1 to Sept. 30	2023

The current Section 208, LICENSE FEES, is renumbered § 215.

The current Section 209, PERMIT AND ENDORSEMENT FEES, is amended by (a) renumbering it § 216 and (b) adding new permits and endorsements to read as follows:

216 PERMIT AND ENDORSEMENT FEES

216.1 The fee for permits and endorsements shall be as follows:

Permit/Endorsement	Fee
Importation permit	\$ 5
Pool buying group agent importation permit	\$ 1,000/year
Tasting permit for off-premises retailers, wholesalers, manufacturers, and private collectors	\$ 130/year
Storage facility permit	\$ 300/year
Off-premises storage permit	\$ 25/year
Alcohol certification provider permit	\$ 100/year
Public auction permit	\$ 30
Personal auction permit	\$ 30
Nonprofit corporation wine permit	\$ 30
Retailer purchasing permit	\$ 35
On-site sales and consumption permit	\$ 1,000/year
Sidewalk café or summer garden endorsement	\$ 75/year
Entertainment endorsement (twenty percent (20%) of the base license fee)	20%
Amendment to a license which results in an inspection	\$ 50
Manufacturer carry-out permit	\$ 50
Sports wagering endorsement	\$ 100/year
Games of skill endorsement	\$ 200/year
1 Pub endorsement	\$ 5,000/year
2 Pub endorsements	\$ 7,500/year
3 Pub endorsements	\$ 9,000/year

The current Section 210, APPLICATION FEES, is renumbered § 217.

The current Section 212, MANAGER CERTIFICATION, is renamed and renumbered § 218, and amended to read as follows:

218 MANAGER TRAINING CERTIFICATION

- 218.1 An applicant for a Manager’s license shall submit a copy of his or her training certificate showing completion of an alcohol training and education program within the previous three (3) years from a Board-approved training provider with his or her Manager’s license application.

- 218.2 An applicant for a Manager’s license, who has applied for a Manager’s license but who has not completed an alcohol training and education program may be issued a temporary Manager’s license pursuant to § 707.10 by the Board for a period not to exceed thirty (30) days upon the submission of a sworn affidavit from the applicant that he or she will complete an alcohol training and education program and submit a copy of his or her certificate within the thirty (30)-day period.

The current Section 213, EXEMPTION FROM LICENSING REQUIREMENT, is renumbered § 219 and amended to read as follows:

219 EXEMPTION FROM LICENSING REQUIREMENT

- 219.1 A license shall not be required for any event where alcoholic beverages are provided gratuitously for on-premises consumption on the host's own premises. Notwithstanding the foregoing, a license shall be required if the operator of the premises provides professional services for the on-premises consumption of alcoholic beverages which are provided gratuitously to guests; or if the operator of the premises rents out the facility or provides entertainment, food or non-alcoholic beverages for compensation.
- 219.2 An applicant for a new license shall not permit the consumption of alcoholic beverages on the premises unless the applicant has obtained a stipulated or temporary license. The applicant for a new license may also permit a licensed caterer to host an event on the premises pursuant to § 25-113 so long as the caterer acts as operator of the premises by retaining responsibility for the duration of the event, including control over the modes of ingress and egress into the establishment, bar and security staff, and the service of alcoholic beverages.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 703, TEMPORARY OPERATING PERMIT, is repealed.

Section 711, RETAIL PERMITS FOR SAMPLING OF ALCOHOLIC BEVERAGES, is repealed.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email martha.jenkins@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (“Director”), pursuant to paragraph 7(A) of the General Expenses title of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 6-661.01(a) (2018 Repl.)), Mayor’s Order 2013-23, dated January 29, 2013; and in keeping with Mayor’s Order 2020-35, dated February 28, 2020, Mayor’s Order 2020-45, dated March 11, 2020, Mayor’s Order 2020-46, dated March 11, 2020, and Mayor’s Order 2020-79, dated July 24, 2020, hereby gives notice of the adoption of the following amendment, on an emergency basis, to Chapter 1 (DCRA Permits Division Schedule of Fees) of Title 12 (Construction Codes Supplement of 2017), Subtitle M (Fees), of the District of Columbia Municipal Regulations (“DCMR”).

This second emergency rulemaking provides the Director with the authority to waive Construction Codes permit fees for construction directly related to preparation, response, mitigation, or recovery efforts arising from COVID-19 for the duration of the public emergency and public health emergencies declared by Mayor Muriel Bowser on March 11, 2020 and extended on July 24, 2020.

This second emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it continues responds to the COVID-19 global pandemic and because Mayor Muriel Bowser extended by the public health emergency on July 24, 2020. During the declared public health emergency, structures may need to be constructed expeditiously as part of the District’s response and without being hindered or delayed because of fees.

A Notice of Emergency Rulemaking was published on April 17, 2020 at 67 DCR 4399. This second emergency rulemaking was adopted on August 6, 2020. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring December 4, 2020.

Chapter 1, DCRA PERMITS DIVISION SCHEDULE OF FEES, of Title 12-M DCMR, FEES, is amended as follows:

Section 101, BUILDING PERMIT FEES, is amended as follows:

A new Subsection 101.2 is added to read as follows:

101.2 The Director may, at his or her discretion, waive the fees imposed by Subsection 101.1 during the public and public health emergencies declared by Mayor’s Orders 2020-45 and 2020-46, dated March 11, 2020, and during any extension of those emergencies, for construction directly related to preparation, response, mitigation, or recovery efforts arising from COVID-19.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (“Department”), pursuant to the authority set forth in Section 12 of the Coronavirus Omnibus Emergency Amendment Act of 2020, effective May 13, 2020 (D.C. Act 23-317; 67 DCR 5235 (May 22, 2020)), and Mayor’s Order 2020-79, dated July 22, 2020, hereby gives notice of an emergency rulemaking to amend Chapter 8 (Housing Code: Cleanliness, Sanitation, and Safety) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) to add a new Section 809 (Residential Accommodation Cleaning Requirements).

This rulemaking amends Chapter 8 of Title 14 DCMR by creating a new section that establishes that owners of a housing accommodation, or their representatives, within the District must clean common areas on a regular basis during a declared public health emergency.

This emergency rulemaking is necessary to protect the well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, it is imperative that common areas that are frequently and regularly touched and visited be thoroughly cleaned and disinfected to diminish the spread of COVID-19.

This emergency rulemaking was adopted on August 6, 2020. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring December 4, 2020.

A new Section 809, RESIDENTIAL ACCOMMODATION CLEANING REQUIREMENTS, of Chapter 8, HOUSING CODE: CLEANLINESS, SANITATION, AND SAFETY, of Title 14 DCMR, HOUSING, is added to read as follows:

809 RESIDENTIAL ACCOMMODATION CLEANING REQUIREMENTS

- 809.1 During a public health emergency, the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including, but not limited to, surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.
- 809.2 Depending on the housing accommodation, the owner, or representative of the owner, shall follow DC Health guidance specific to their setting, *i.e.*, nursing homes and assisted living facilities.
- 809.3 Per guidance and recommendations from the Centers for Disease Control and Prevention (CDC), surfaces frequently touched by multiple people, such as doors, railings, seating, and exterior of mailboxes, should be cleaned and disinfected at least daily.

809.4 The owner or representative of the owner of a housing accommodation and/or contracted third-party cleaning services must clean and disinfect regularly touched surfaces, listed in § 809.1, by:

- (a) Wearing disposable gloves and other personal protective equipment (PPE), as needed per responsibilities, while cleaning and disinfecting;
- (b) Routinely cleaning surfaces with soap and water first, then using disinfectant;
- (c) Disinfecting surfaces with recommended EPA-registered household disinfectant, while following the instructions on the label to ensure safe and effective use of the product;
- (d) Ensuring cleaning staff and other staff clean hands often, including immediately after completing the cleaning by throwing away gloves and washing hands with soap and water for at least twenty (20) seconds, or hand sanitizer with at least sixty percent (60%) alcohol.

809.5 During a public health emergency, the owner or representative of the owner of a housing accommodation shall maintain cleaning logs that record when common areas have been cleaned.

- (a) Log entries for each cleaning must be maintained for at least ninety (90) days, or longer per the accommodation's internal policies, following that cleaning;
- (b) Cleaning logs must, at minimum, include the following information: the frequency of the cleanings with date(s) and time(s), the name(s) of the person(s) who cleaned and/or disinfected, and the address of the property cleaned; and
- (c) Upon request, the owner or representative of the owner of a housing accommodation shall provide the Department with electronic cleaning logs (scanned, PDF copies of paper records are acceptable) to ensure that proper cleaning safeguards are in-place and being successfully implemented within the housing accommodation.

809.99 For the purposes of this section, the following words and terms shall have the meanings ascribed:

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

“Housing Accommodation” – any structure or building in the District containing one (1) or more residential units that are not occupied by the owner of the housing accommodation, including an apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, or group home.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2018 Repl.)); Section 4902(d) of the Department of Health Functions Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(d) (2018 Repl.)); Mayor's Order 2011-71, dated April 13, 2011; Mayor's Order 2020-045, dated March 11, 2020; and Mayor's Order 2020-050, dated March 20, 2020, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 57 (Prohibited and Restricted Activities) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessary to protect the health, safety, and welfare of the District's residents reducing the spread of COVID-19 by enabling District of Columbia residents registered as qualifying patients to obtain medical marijuana while also adhering to the District's social distancing guidelines.

The purpose of this rulemaking is to continue to allow, on a temporary basis, District of Columbia registered dispensaries to provide medical marijuana to qualifying patients through delivery, curbside pickup, and at-the-door pickup options.

A Notice of Emergency rulemaking was published in the *D.C. Register* on April 24, 2020 at 67 DCR 4567. Those emergency rules were adopted on April 10, 2020, and will expire one hundred twenty (120) days from the date of adoption, on August 8, 2020. Mayor's Order 2020-079, issued July 22, 2020, extended the declared public emergency and public health emergency in the District of Columbia through October 9, 2020. The Mayor's Order included the finding that the spread of COVID-19 remains a continued threat to the health, safety, and welfare of District residents. This second emergency rulemaking action is necessary to maintain the continuity of these provisions through the extended period of the public emergency and public health emergency.

This emergency rulemaking was adopted on August 11, 2020, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (December 9, 2020) or forty-five (45) days after the public health emergency declared by Mayor's Order 2020-079, dated July 22, 2020, or any substantially similar subsequent Mayor's Order is declared over, whichever occurs first.

Chapter 57, PROHIBITED AND RESTRICTED ACTIVITIES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5703, DELIVERY OF MEDICAL MARIJUANA, is amended to read as follows:

5703.1 Except as provided in §§ 5703.2 and 5703.3, a dispensary shall not be permitted to transport or deliver medical marijuana to a qualified patient or caregiver or from a cultivation center or testing laboratory. It shall be a violation of this subtitle for a

dispensary to transport or deliver medical marijuana to a qualified patient, cultivation center, or testing laboratory other than as provided in §§ 5703.2 and 5703.3.

5703.2 A dispensary, meeting the requirements of § 5703.3, shall only be permitted to deliver medical marijuana to a qualifying patient or caregiver registered in the District of Columbia Medical Marijuana Program and that has been issued a District of Columbia Government medical marijuana card. A dispensary shall not deliver or transport medical marijuana to a nonresident patient or to an individual who possesses a medical marijuana card that was not issued by the District of Columbia Department of Health. A dispensary that delivers medical marijuana to nonresident patients or individuals who possess cards issued by unauthorized entities on the Internet such as getnugg.com shall be subject to disciplinary action, up to and including revocation of registration.

5703.3 A dispensary shall only be permitted to deliver medical marijuana to a qualifying patient or caregiver registered in the District of Columbia Medical Marijuana Program if the dispensary complies with the following requirements:

- (a) The dispensary shall register its delivery vehicle with the Department by completing a Department-issued application form and providing all required information which shall include: the vehicle license plate number, the vehicle's vehicle identification number (VIN), and the make, model and color of the vehicle;
- (b) The dispensary shall only register one (1) delivery vehicle;
- (c) The delivery vehicle shall not be marked with any signage, symbols, images, or advertisement identifying the vehicle as associated with medical marijuana;
- (d) The delivery vehicle shall have a functioning global positioning system (GPS) to ensure that the most direct delivery route is followed;
- (e) The dispensary shall register the name and medical marijuana employee registration number of the delivery driver(s) with the Department;
- (f) The dispensary's delivery driver(s) shall have an active District of Columbia medical marijuana employee registration;
- (g) The dispensary's delivery driver(s) shall wear an employee badge when making deliveries;
- (h) The dispensary shall implement a mechanism or process for patients and caregivers to submit copies of their registration cards and identification cards to the dispensary for verification prior to delivery, and the dispensary

shall maintain a copy of both as part of the dispensary's recordkeeping requirements;

- (i) Prior to delivery, the dispensary shall:
 - (1) Verify that the patient, or the patient and caregiver, is actively enrolled in the District of Columbia medical marijuana program, and that the delivery address matches the patient's or caregiver's home address;
 - (2) Maintain a copy of the medical marijuana program registration card and a copy of the government-issued identification card; and
 - (3) Verify that the patient's requested amount does not exceed the patient's rolling thirty (30)-day limit of four (4) ounces;
- (j) The dispensary shall only make deliveries to residential addresses located within the District of Columbia to qualifying patients and caregivers registered in the District of Columbia medical marijuana program as set forth in § 5703.2;
- (k) The dispensary shall only make deliveries between the hours of 11:00 a.m. and 7:00 p.m.;
- (l) The dispensary's delivery driver(s) shall meet the patient or caregiver curbside in front of the patient's residence or caregiver's residence and complete the delivery quickly and efficiently;
- (m) The dispensary shall implement a mechanism or recordkeeping process for patients and caregivers to document receipt of medical marijuana deliveries, and shall maintain the records as part of the dispensary's recordkeeping requirements. If, in an enforcement action pursuant to Chapter 62, a patient or caregiver disputes receiving the medical marijuana and the dispensary does not have documentation proving the delivery occurred, the Department shall apply a rebuttable presumption that the delivery did not occur;
- (n) A dispensary delivery driver shall not make more than ten (10) deliveries in a single delivery run;
- (o) A dispensary delivery driver shall only travel from the dispensary to a delivery address(es) and return to the dispensary. A delivery driver shall ensure that there is sufficient gasoline in a delivery vehicle before loading the vehicle for deliveries, and if there is not sufficient gasoline, shall fill the vehicle with sufficient gasoline before loading the vehicle for deliveries or obtain the gasoline after completing all deliveries for that delivery run;

- (p) A dispensary delivery driver shall not at any time possess a combined total of cash and medical marijuana exceeding five thousand dollars (\$5,000.00) in value;
- (q) The dispensary shall record each delivery in the METRC delivery manifest system in real-time and maintain a copy of the record as part of the dispensary's recordkeeping requirements;
- (r) The dispensary shall provide a copy of its delivery manifest to the Department and the Metropolitan Police Department (MPD) by 12:00 noon each Monday, which shall contain the entries for all deliveries made during the previous week; and
- (s) The dispensary shall provide a copy of its delivery manifest to the Department or MPD immediately upon request.

5703.4

A dispensary shall only be permitted to dispense medical marijuana through curbside pickup or at-the-door pickup to a qualifying patient or caregiver if the dispensary complies with the following requirements:

- (a) A dispensary shall only be permitted to dispense medical marijuana through curbside pickup or at-the-door pickup to a qualifying patient or caregiver registered in the District of Columbia medical marijuana program, or to a patient enrolled in another state's medical marijuana program who is recognized by the Department, as evidenced by a state-issued medical marijuana patient card and with a government-issued identification card. A dispensary that dispenses medical marijuana to individuals who possess cards issued by unauthorized entities on the Internet such as getnugg.com or states that are not yet recognized by the Department shall be subject to disciplinary action up to and including revocation of registration;
- (b) The dispensary shall implement a mechanism or process for a patient or a District of Columbia registered caregiver to submit a copy of the patient's, or registered caregiver's, medical marijuana registration card and the patient's, or registered caregiver's, government-issued identification card to the dispensary for verification prior to dispensing. The dispensary shall maintain a copy of both as part of the dispensary's recordkeeping requirements;
- (c) Prior to dispensing, the dispensary shall:
 - (1) Verify that the patient, or patient and registered caregiver, is actively registered in the District of Columbia medical marijuana program, or that the nonresident patient is actively enrolled in another state's medical marijuana program;

- (2) Maintain a copy of the medical marijuana program registration card and a copy of the government-issued identification card; and
- (3) Verify that the patient’s requested amount does not exceed the patient’s thirty (30)-day limit of four (4) ounces;
- (d) The dispensary shall ensure that the entire exchange of the medical marijuana product to the patient or registered caregiver is clearly captured on the dispensary’s video surveillance system;
- (e) The dispensary shall only provide curbside pickup at curbside directly in front of the dispensary and in view of the dispensary’s video surveillance cameras. If the dispensary’s location or video surveillance system is not equipped to meet this requirement, the dispensary shall not provide curbside pickup or at-the-door pickup.
- (f) The dispensary shall implement procedures to ensure that curbside pickup or at-the-door pickup is completed quickly and efficiently; and
- (g) The dispensary shall implement a mechanism or recordkeeping process for patients to document receipt of curbside pickup or at-the-door pickup, and shall maintain the records as part of the dispensary’s recordkeeping requirements. If, in an enforcement action pursuant to Chapter 62, a patient disputes receiving the medical marijuana and the dispensary does not have documentation including clear video evidence proving the dispensing occurred, the Department shall apply a rebuttable presumption that the dispensing did not occur.

5703.5 At the dispensary’s discretion, the dispensary may require electronic payment before scheduling a delivery, curbside pickup or at-the-door pickup; may limit deliveries, curbside pickup, or at-the-door pickup to electronic payment only; and may limit the areas to which the dispensary will deliver.

5703.6 A cultivation center shall not be permitted to deliver medical marijuana to any premises other than the specific registered premises of the dispensary where the medical marijuana is to be sold.

OFFICE OF HUMAN RIGHTS

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Office of Human Rights (hereafter the “Director,”) pursuant to the authority set forth in Section 301(c) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c) (2016 Repl.)), hereby gives notice of the intent to amend, on an emergency basis, Chapter 7 (Private Complaints Alleging Unlawful Discriminatory Practices) of Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations (“DCMR”).

The rulemaking provides revision of rules to reflect the current operation of the Office of Human Rights during a declared state of emergency.

On April 10, 2020, the Director published a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* at 67 DCR 004133. The emergency rules were adopted on March 18, 2020 and became effective on an emergency basis on that date. The Director also gave notice of the intent to make these rules final, providing a thirty (30) day comment period. No comments were received. For clarity and consistency, the Director has made the following technical edit: in lieu of using differing terms “emergencies” and “a state of emergency,” as well as the prepositions “in” and “under,” which appeared in §§ 705.2 and 705.6 of the April 10, 2020 Emergency and Proposed Rulemaking, the sections now read, “during a declared emergency” in all instances. The Director made no other changes.

The previously adopted emergency rules were to remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring July 16, 2020. The instant emergency rulemaking is necessary to ensure that the emergency rules remain in place even if there is a gap between the expiration of the emergency rulemaking currently in effect and the publication of the final rulemaking.

The Office of Human Rights adopted these emergency rules on July 17, 2020, and they will expire one hundred twenty (120) days after the date of adoption, November 14, 2020, or upon the publication of final rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 7, PRIVATE COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATORY PRACTICES, of Title 4 DCMR, HUMAN RIGHTS AND RELATIONS, is amended as follows:

Section 705, FILING OF COMPLAINTS, in its entirety to read as follows:

705 FILING OF COMPLAINTS

705.1 Any person or organization may file with the Office a complaint of a violation of the provisions of the Act, including a complaint of general discrimination,

unrelated to a specific person or instance. If a complainant lacks capacity, the complaint may be filed on their behalf by a person with an interest in the welfare of the complainant.

- 705.2 The initial complaint shall be in writing on a form obtained from the Office, and can be filed online through the Office's website (<http://www.ohr.dc.gov>), via email to ohr.intake@dc.gov, mail or fax. The date of the online, email or fax filing will constitute the filing date for the complaint. The date of OHR's receipt of mailed complaints will constitute the filing date. If during a declared emergency, the Office is closed, the date of mail filings will be calculated as follows: the date of the postal stamp, or the date complainant signed the complaint plus five (5) business days. The Director may extend this deadline for good cause during a declared emergency. The finalized complaint, known as the Charge of Discrimination, shall be signed and verified by the complainant under penalty of perjury.
- 705.3 The Director may initiate a complaint whenever the Director has reason to believe that any person has committed an unlawful discriminatory practice. A complaint initiated by the Director shall be signed by the Director.
- 705.4 A complaint alleging a discriminatory practice shall contain the following information:
- (a) The full name and address of the complainant(s);
 - (b) The full name and address of the respondent(s);
 - (c) A statement of the alleged unlawful discriminatory practice(s) and a statement of the particulars;
 - (d) The date(s) of the alleged unlawful discriminatory practice, and if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which the continuing acts of discrimination are alleged to have occurred; and
 - (e) A statement describing any other action, civil, criminal, or administrative in nature, instituted in any other forum or agency based on the same unlawful discriminatory practice as is alleged in the complaint.
- 705.5 Notwithstanding the provisions of § 705.4, a complaint shall be deemed sufficient when the Office receives from the person making the charge a written statement sufficiently precise to identify the parties, and to describe generally the action or practice complained of.
- 705.6 The Office shall reasonably accommodate a disabled person who wishes to

file a complaint or who wishes to make a personal appearance at the Office when filing a complaint. Accommodations may include, but shall not be limited to, a personal representative making an appearance on behalf of a disabled complainant, or an Office representative delivering a complaint to a complainant for signature. During a declared emergency, or when in-person service is not available, the Office shall find alternative ways to assist the person requiring reasonable accommodation.

705.7 The Director shall establish and maintain a complaint file containing all documents pertinent to each case. The complaint file shall contain, at a minimum, the following documents as appropriate to the individual case:

- (a) The complaint;
- (b) The reply to data request;
- (c) Amendment(s) to the complaint;
- (d) The respondent's reply to the complaint and any amendments;
- (e) The complainant's statement of withdrawal;
- (f) The investigator's summary or findings of fact and recommendations;
- (g) The extended processing summary and recommendations;
- (h) The Director's Letter of Determination (LOD);
- (i) The conciliation agreement;
- (j) Letter of certification to the Commission; and
- (k) Letter of dismissal.

705.8 If the Office determines that a complainant is filing what are determined to be frivolous complaints, which may include filing an unreasonable number of complaints during a given time, it may resolve the complaint in accordance with OHR Intake Guidelines.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND EMERGENCY RULEMAKING**RM23-2020-2-G, NATURAL GAS; RM46-2020-01-E, LICENSURE OF ELECTRICITY SUPPLIERS; and RM47-2020-01-G, LICENSURE OF NATURAL GAS SUPPLIERS**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code § 2-505 (2016 Repl.), including its emergency rulemaking authority under § 2-505(c) (2016 Repl.), and § 34-802 (2012 Repl.), hereby gives notice of the adoption of the following amendments, on an emergency basis, to Chapters 23 (Natural Gas), 46 (Licensure of Electricity Suppliers), and 47 (Licensure of Natural Gas Suppliers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), whereby the Commission adds a waiver of rules provision in each of the respective chapters and is reflected in new Sections 2398, 4698, and 4798 (Waiver). The Commission takes this action in response to Mayor's Order No. 2020-079, dated July 22, 2020 (published at 67 DCR 9101 (July 24, 2020)), extending the public emergency and public health emergency through October 9, 2020.

2. This second emergency rulemaking provides the Commission with the immediate and temporary authority to waive any or all of the specific requirements of Chapters 23, 46, and 47 that may relate to and may be necessary to protect the health, safety, and well-being of the residents of the District of Columbia as we respond to the COVID-19 global pandemic. The authority to waive certain rules will help facilitate and expedite any necessary Commission actions in response to any upcoming and unforeseen contingencies as a result of COVID-19. A Notice of Proposed Rulemaking granting the Commission with the permanent authority to waive any or all of the specific requirements of Chapters 23, 46, and 47 was published on July 31, 2020, at 67 DCR 9214.

3. A Notice of Emergency Rulemaking, published in the *D.C. Register* on April 24, 2020, at 67 DCR 4647, was adopted on April 15, 2020, and became effective on that date, expiring August 13, 2020. These second emergency rules are identical to the emergency rules published on April 24, 2020, at 67 DCR 4647. This second emergency rulemaking was adopted on August 12, 2020, and becomes effective immediately. This second emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring December 10, 2020, unless superseded beforehand.

Chapter 23, NATURAL GAS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**Section 2398, PENALTIES, is amended as follows:****2398 WAIVER**

2398.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 23 of this title.

Chapter 46, LICENSURE OF ELECTRICITY SUPPLIERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 4698, WAIVER, is added as follows:

4698.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 46 of this title.

Chapter 47, LICENSURE OF NATURAL GAS SUPPLIERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 4798, WAIVER, is added as follows:

4798.1 The Commission may, upon request with good cause shown, or upon its own initiative, waive any provision of Chapter 47 of this title.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)) and 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 5003 (PCA Service Authorization Request and Submission) of Chapter 50 (Medicaid Reimbursements for Personal Care Aide Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

In this second emergency and proposed rulemaking, DHCF amends Subsection 5003.11 by adding Licensed Independent Clinical Social Worker (LICSW) as a provider type allowed to conduct the Long-Term Care Services and Supports (LTCSS) face-to-face assessment. This rulemaking also amends Subsections 5003.9 and 5006.2 to clarify that LTCSS reassessments for beneficiaries receiving State Plan PCA services are conducted in accordance with the requirements set forth in the LTCSS Assessment Process rules at 29 DCMR § 989.

To be eligible to receive State Plan Personal Care Aide (PCA) services, beneficiaries are required to receive an initial LTCSS face-to-face assessment, as well as subsequent reassessments upon any significant change in health status. Under the previous rules, Registered Nurses (RNs) were the sole provider type allowed to conduct the LTCSS assessments; similarly authorizing LICSWs will improve the ability of beneficiaries to receive assessments in the timely manner required to obtain or retain eligibility for necessary services. DHCF does not anticipate any fiscal impact resulting from the implementation of these rules.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 29, 2019 at 66 DCR 003900. No comments were received. DHCF is proposing changes to Subsection 5003.9 to clarify that LTCSS reassessments for State Plan PCA beneficiaries are conducted in accordance with the requirements of the LTCSS Assessment Process rules at 29 DCMR § 989. The description of requirements for beneficiary evaluations and LTCSS reassessment requests at Subsection 5003.9 is duplicative of the language contained in the LTCSS Assessment Process rule at 29 DCMR § 989.16. This change replaces the language at Subsection 5003.9(a)-(c) with a reference to this subsection of the LTCSS Assessment Process rule. DHCF is also proposing changes to Subsection 5006.2 to remove reference to the attestation process. LTCSS assessments shall be conducted annually to allow DHCF to accurately determine beneficiary need for State Plan PCA services.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Medicaid beneficiaries eligible for and in need of covered long-term care services. These rules are being enacted on an emergency basis to ensure that, by authorizing LICSWs to conduct LTCSS assessments effective immediately and clarifying that reassessments must be conducted in accordance with the LTCSS Assessment Process rules at 29 DCMR § 989, beneficiaries

continue to receive assessments in the timely manner required to retain eligibility for necessary services; and to ensure that, by requiring that all evaluations include a face-to-face reassessment with the new assessment tool, all beneficiaries receiving State Plan PCA services continue to be accurately determined eligible for the appropriate services.

The initial emergency and proposed rules corresponded to a related State Plan Amendment (SPA), which was approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) on May 21, 2019 with an effective date of April 1, 2019. The corresponding SPA has been added to the District's Medicaid State Plan, which can be found on DHCF's website at <https://dhcf.dc.gov/page/medicaid-state-plan>. Subsections 5003.9 and 503.11 of this second emergency and proposed rulemaking corresponds to a subsequent related SPA, which likewise requires approval by CMS. Accordingly, the changes proposed in these subsections shall become effective on July 1, 2020, or on an alternative effective date established by CMS in its approval of the corresponding SPA, whichever is later.

These emergency rules were adopted on August 11, 2020 and shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until December 9, 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 rules not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 50, MEDICAID REIMBURSEMENT FOR PERSONAL CARE AIDE SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsection 5003.9 of Section 5003, PCA SERVICE AUTHORIZATION REQUEST AND SUBMISSION, is amended to read as follows:

5003.9 The supervisory nurse employed by the home health agency shall conduct an evaluation of each beneficiary's need for the continued receipt of State Plan PCA services at least once every twelve (12) months or upon a significant change in the beneficiary's health status, and submit requests for face-to-face reassessments, in accordance with the requirements set forth in 29 DCMR § 989.16.

Subsection 5003.11 of Section 5003, PCA SERVICE AUTHORIZATION REQUEST AND SUBMISSION, is amended to read as follows:

5003.11 An R.N. or Licensed Independent Clinical Social Worker (LICSW) employed by DHCF or its agent shall conduct a face-to-face reassessment, in accordance with the requirements of Subsection 5003.3, of each beneficiary referred by the supervisory nurse as described in Subsection 5003.9 and for whom a reassessment is requested pursuant to Subsection 5003.10 to determine PCA service needs.

Subsection 5006.2 of Section 5006, PROGRAM REQUIREMENTS, is amended to read as follows:

5006.2 A written order for PCA services issued in accordance with § 5006.1 shall be renewed every twelve (12) months.

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

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING****Z.C. Case No. 20-11****(Text Amendment – Subtitles Y and Z of Title 11 DCMR)****(Virtual Public Hearing and Meeting Procedures)****July 30, 2020**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its amendment on an emergency basis, as well as its intent to amend on a permanent basis, the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations [Zoning Regulations of 2016], to which all references are made unless otherwise specified) as summarized below (specific text at end of this notice):

Subtitle Y, Board of Zoning Adjustment Rules of Practice and Procedure**Chapter 1, Administration**

§§ 103.12 and 103.13 – rules for virtual public hearings and meetings

Chapter 2, Public Participation

§§ 206.3 and 206.7 – electronic submission of comments and exhibits required at least twenty-four (24) hours prior to the start of the public hearing or meeting

Chapter 4, Pre-Hearing and Hearing Procedures: Applications

§§ 401.4 and 401.6 – updated ANC notice and posting requirements for expedited review applications

Subtitle Z, Zoning Commission Rules of Practice and Procedure**Chapter 1, Administration**

§§ 103.12 and 103.13 – rules for virtual public hearings and meetings

Chapter 2, Public Participation

§§ 206.3 and 206.7 – electronic submission of comments and exhibits required at least 24 hours prior to the start of the public hearing or meeting

Setdown

On May 11, 2020, the Office of Zoning (OZ) filed a petition to the Commission proposing these amendments to clarify the procedural rules for virtual public hearings and meeting due to the suspension of in-person public hearings and meetings caused by the ongoing COVID-19 pandemic and resulting modifications of District government operations. OZ requested that the Commission:

- Set the petition down for a public hearing;
- Consider taking emergency action to adopt the text amendment; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

Emergency & Proposed Action

At its May 11, 2020, public meeting, the Commission asked OZ to work with the Office of the Attorney General (OAG) to revise the proposed text to clarify the rules for virtual submission of

oral testimony and exhibits at a public hearing and voted to grant OZ's request, as modified pursuant to the Commission's request, to:

- Take emergency action to adopt the text amendment;
- Set the petition down for a public hearing; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

The Commission concluded that taking emergency action to adopt the proposed text amendment is necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), in order to allow the continuation of public hearings and meetings despite the suspension of in-person public hearings and meetings due to the ongoing COVID-19 pandemic, with the attendant risk to the District's economic condition.

VOTE (May 11, 2020): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

The Commission published a Notice of Emergency and Proposed Rulemaking (NOEPR) in the May 29, 2020 – Part 1 *D.C. Register* at 67 DCR 5603.

The Commission received one comment to the NOEPR – a July 2, 2020, letter from the Committee of 100 on the Federal City (C100). The C100 letter acknowledged the need for virtual public meetings and hearings, but raised the following issues:

- Equal access to the public, some of whom may not have access to internet or sufficient bandwidth to stream virtual public meetings and hearings -
 - Recommended that virtual public hearing notices and meetings include statement that case files available online at public libraries and that public may participate through terminals at public libraries; and
 - Recommended that the Commission consider the hours of service of public libraries when scheduling virtual public meetings and hearings;
- Ease of public participation -
 - Recommended additional notice to owners of property within 200 feet of a property for which a zoning case is proposed to be considered at a virtual public hearing;
 - Agreed with the current text allowing public witnesses to sign up at any time before the conclusion of the public testimony portion of a virtual public meeting or hearing, which reflects the current practice for in-person public meeting or hearings of allowing "walk-ins" (public witnesses signing up during the public witness testimony portion of an in-person public meeting or hearing); and
 - Recommended making automatic, instead of at the Commission's or Board's discretion, the text amendment's permission for public witnesses who were unable to testify due to technical difficulties to request to reopen the record to include a written version of their planned oral testimony; and
- Sufficient time for parties to respond to exhibits introduced just before or at a virtual public meeting or hearing -
 - Recommended requiring exhibits to be submitted earlier than prior to the start of a virtual public meeting or hearing; and

- Recommended making automatic, instead of at the discretion of the Board or Commission, providing additional time for parties to respond to exhibits introduced just before or at a virtual public meeting or hearing; and
- Procedures for “hybrid,” or part in-person/part virtual, public meetings and hearings -
 - Recommended that these should be considered in a separate text amendment, after the Commission and Board have experience with virtual public meetings and hearings.

2nd Emergency & Proposed Action

OZ filed a July 29, 2020 memo, based on consultation with OAG, proposing revisions to the original text amendment based on the experience of holding virtual public hearings and meetings in the period following the Commission’s May 11, 2020, original emergency action in this case. OZ requested that the Commission:

- Take emergency action to adopt the revised version of the text amendment to completely supersede the prior adopted version; and
- Authorize an immediate publication of a 2nd proposed rulemaking for the complete text amendment.

Public Hearing

At its July 30, 2020 public meeting, OZ and OAG testified and responded to questions and concerns raised by the Commission. No public testimony was offered.

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of the Office of Planning (OP) pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. ((D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

Since OP did not file a report responding to OZ’s petition¹, the Commission has nothing to which it may give great weight.

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2016 Repl.)) and Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

¹ Although OP did not file a report, the Commission proceeded with the public hearing after 45 days following the submission of the petition, pursuant to Subtitle Z § 504.5.

Since no ANC filed a response to either the original and 2nd Notice of Emergency and Proposed Rulemaking, the Commission has nothing to which it may give great weight.

After closing the hearing, the Commission voted to grant OZ's request to:

- Take emergency action to adopt the revised text amendment to completely supersede the prior adopted and published version; and
- Authorize immediate publication of a 2nd proposed rulemaking for the complete revised text amendment.

In taking these actions, the Commission granted flexibility to OAG and OZ to revise the text to address the issues raised by the Commission, including:

- Allowing applicants and parties to cases to request to participate at the hearing in an in-person or online virtual mode; and
- Defining "live video" to not include pre-recorded video, whether introduced prior to a hearing or at the hearing, or live video testimony only showing the witness(es) testifying.

The Commission concludes that taking emergency action to adopt the proposed text amendment is necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), in order to allow the continuation of public hearings and meetings despite the suspension of in-person public hearings and meetings due to the ongoing COVID-19 pandemic, with the attendant risk to the District's economic condition.

VOTE (July 30, 2020): **4-0-1** (Robert E. Miller, Peter A. Shapiro, Anthony J. Hood, and Michael G. Turnbull to **APPROVE**; Peter G. May not present, not voting)

Emergency Action

The emergency rule is effective as of the Commission's July 30, 2020 vote and will expire on November 27, 2020, which is the one hundred-twentieth (120th) day after the adoption of this rule, unless this date falls on a Saturday, Sunday, or legal holiday in which the last day is extended to the next business day, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this emergency rule, whichever occurs first.

Proposed Action

The Commission hereby also gives notice of its intent to adopt on a permanent basis the following text amendment to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, provided that if the last day of the comment period falls on a Saturday, Sunday, or legal holiday, the last day is extended to the next business day. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written

statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case, including the OP report and the transcript of the 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>.

EMERGENCY / PROPOSED TEXT AMENDMENT

The following amendments to the Zoning Regulations, which completely supersede the prior version adopted by the Commission and published in the May 29, 2020 – Part 1 *D.C. Register* at 67 DCR 5603, are adopted on an emergency basis, and are proposed for the Commission’s final consideration (additions are shown in **bold** and **underlined** text and deletions are shown in **bold** and **~~strikethrough~~** text):

I. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE

Section 103, MEETINGS AND HEARINGS, of Chapter 1, ADMINISTRATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by revising § 103.12 and by adding a new § 103.13, to read as follows:

103.12 If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement **shall be on the website of the Office of Zoning and** ~~be include~~ a sign placed at the entrance to the Board’s hearing room.

103.13 **The Board may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Board for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the provisions of this subtitle, as modified by the following:**

(a) An applicant or appellant, as part of its application or appeal, may request to present its case and participate at the public hearing as in an online virtual or in-person-mode; provided that:

(1) The request:

(A) Explains the specific reasons why the applicant or appellant can only participate in its chosen mode;

- (B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and**
- (C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;**
- (2) A party, as part of its party status request, or the first filing by an affected ANC, may request to present and participate in the case in an online virtual or in-person mode, provided the request:**
- (A) Explains the specific reasons why the party can only participate in its chosen mode;**
- (B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and**
- (C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;**
- (3) The Board, based on the request(s) and in its sole discretion, shall schedule the public hearing to be partially or completely in an online virtual or in-person mode;**
- (b) The posting of the public hearing notice for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Y § 103.6 to be “available at” the public hearing or meeting;**
- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;**
- (d) A party, witness, agency representative, or party status requestor shall be deemed to “appear” or to be “present” if available for testimony, questioning, and cross-examination during the applicable hearing or meeting by the videoconference, teleconference, or other electronic means identified by the Board;**
- (e) The Board may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Board;**
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Board;**

- (g) Exhibits, other than live video as defined in Subtitle Y § 103.13(h), may be entered into evidence at an online virtual public hearing; provided that:
- (1) The person making the request to enter an exhibit explains:
- (A) How the proposed exhibit is relevant;
- (B) The good cause that justifies allowing the exhibit into the record, including an explanation of why the requester did not file the exhibit prior to the hearing pursuant to Subtitle Y § 206; and
- (C) How the proposed exhibit would not unreasonably prejudice any party;
- (2) Parties shall simultaneously serve exhibits proposed to be entered into the record on all other parties by email;
- (3) The Board determines that the proposed exhibit is relevant and that the requester demonstrated good cause to enter the exhibit and no unreasonable prejudice to any party would occur thereby; and
- (4) If the Office of Zoning is unable to display an exhibit publicly during the online virtual public hearing, the Board may keep the record open for submission of the exhibit or provide other accommodations the Board deems appropriate; and
- (h) Live video, defined as the simultaneous online streaming transmission of video that shows anything other than a witness testifying in a fixed location and excluding pre-recorded video, may not be presented as part of the testimony of an individual or party at a virtual public hearing;
- (i) The Board may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Board deems appropriate;
- (j) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Board, the details of which shall be provided on the Office of Zoning website;
- (k) Any person desiring to testify in an online virtual public hearing shall sign up with the Office of Zoning prior to the conclusion of public

testimony at the online virtual public hearing in accordance with the instructions provided on the Office of Zoning website;

(l) As part of signing up to testify:

(1) All persons shall perform the required oath or affirmation, provided that a witness that was unable to do so prior to testifying may be sworn in at the virtual hearing; and

(2) The Office of Zoning shall provide the opportunity for the witness to submit a written version of the planned oral testimony to the record if filed at least 24 hours before the start of the public hearing as established by Subtitle Y § 206;

(m) An individual or organization representative who is unable to testify at a public hearing due to technical issues out of the requester's control may file a request to reopen the record to submit a separate written version of the planned oral testimony in accordance with the time limits for testimony; provided that:

(1) The written version of the planned oral testimony is included as a separate document;

(2) The request demonstrates good cause for the submission and that granting the request would not unreasonably prejudice a party, including:

(A) An explanation of the specific technical issues that prevented the testimony during the public hearing;

(B) How these issues were out of the control of the requester; and

(C) How the planned oral testimony differed from the written version submitted to the record prior to the start of the public hearing or why the requester did not submit a written version to the record prior to the public hearing; and

(3) The request is submitted to the record within the twenty-four (24) hours following the conclusion of public testimony in the hearing;

(n) If the Presiding Officer grants a request filed under Subtitle Y § 103.13(m), the Presiding Officer shall establish a reasonable time within which parties may respond and the Director shall enter the

written version of the planned oral testimony into the record and notify the parties of the deadline to respond;

- (o) The Board shall not issue an order in a case with a virtual public hearing until at least forty-eight (48) hours after the conclusion of the public hearing;
- (p) All votes shall be taken by roll call as required by § 2 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577(a)(3)); and
- (q) In the event that an online virtual public hearing or meeting is interrupted by technical difficulties such as the loss of the internet connectivity, the presiding officer, or if no member is present, the Secretary of the Board or Office of Zoning staff, may suspend the hearing or meeting; provided that notice of the suspension and of the date and time of the continued hearing or meeting shall be posted on the Office of Zoning website and e-mailed to the parties within twenty-four (24) hours of the suspension or as soon as is technically feasible.

Subsections 206.3 and 206.7 of § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

206.3 Comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be ~~submitted~~ accepted into the record electronically ~~after 9:00 a.m. on the day if submitted or e-mailed less than twenty-four (24) hours prior to the start of the a public hearing or meeting at which the Board will consider the applicable case, except for exhibits to be introduced at a public hearing or meeting under Subtitle Y § 103.13(g).~~

206.7 All documents to be filed electronically through IZIS or by e-mail shall be in portable document format (PDF), except for pre-recorded video that shall be submitted as a digital file by e-mail, and shall not be ~~filed after 9:00 a.m. on the day accepted into the record if filed or e-mailed less than twenty-four (24) hours prior to the start of the a public hearing or meeting at which the Board will consider the applicable case except for exhibits proposed to be introduced at a public hearing or meeting under Subtitle Y § 103.13(g).~~

Subsections 401.4 and 401.6 of § 401, EXPEDITED REVIEW, of Chapter 4, PRE-HEARING AND HEARING PROCEDURES: APPLICATIONS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

- 401.4** Subject to the removal process described in Subtitle Y §§ 401.7 and 401.8, an eligible application that includes a waiver of hearing will be placed on an expedited review calendar and decided without hearing at the Board's next regularly scheduled session after:
- (a) The completion of the public notice procedures set forth in Subtitle Y § 402; and
 - (b) The completion of the affected ANC review period of thirty (30) days, **as may be extended pursuant to the Advisory Neighborhood Commission Act (D.C. Law 1-21; D.C. Official Code § 1-309.10)**, from the date it receives notice of the application, excluding Saturdays, Sundays, and holidays, plus an additional fourteen (14) days.
- 401.6** The public notice of an expedited review and the affected ANC notice of an application requesting expedited review shall also indicate:
- (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.7 and 401.8; and
 - (b) That the only public notice of the hearing date for a removed application will be the posting of that date **in on the website of** the Office of Zoning **and may include posting on at the entrance to that office** beginning on the date that the application was removed and continuing until the date of such hearing.

II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Section 103, MEETINGS AND HEARINGS, of Chapter 1, ADMINISTRATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended by revising § 103.12 and by adding a new § 103.13, to read as follows:

- 103.12** If the time and place of resumption is publicly announced when a postponement, continuance, or adjournment is ordered, no further notice shall be required. For the purposes of this section, the form of the public announcement **shall be on the website of the Office of Zoning and** may **be include** a sign placed at the entrance to the Commission's hearing room.

103.13 **The Commission may hold its meetings and hearings in a partially or completely online virtual mode, through video conference, teleconference, or other electronic means identified by the Commission for this purpose, as authorized by, and in compliance with, the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577), subject to the provisions of this subtitle, as modified by the following:**

(a) An applicant, as part of its application, may request to present its case and participate at the public hearing in an online virtual or in-person mode; provided that:

(1) The request:

(A) Explains the specific reasons why the applicant or appellant can only participate in its chosen mode;

(B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and

(C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;

(2) A party, as part of its party status request, or the first filing by an affected ANC, may request to present and participate in the case in an online virtual or in-person mode, provided the request

(A) Explains the specific reasons why the party can only participate in its chosen mode;

(B) Proposes potential accommodations that might resolve the concerns underlying the request to participate in its chosen mode; and

(C) Demonstrates that its participation in the requested mode will not unreasonably prejudice any party;

(3) The Commission, based on the request(s) and in its sole discretion, shall schedule the public hearing to be partially or completely in an online virtual or in-person mode;

(b) The posting of the public hearing notice for each public hearing or meeting on the website of the Office of Zoning shall be deemed to comply with the requirement of Subtitle Z § 103.6 to be “available at” the public hearing or meeting;

- (c) Members, whether present physically or remotely, shall be counted for determination of a quorum;**
- (d) A party, witness, agency representative, or party status requestor shall be deemed to “appear” or to be “present” if available for questioning and cross-examination during the applicable hearing or meeting by the videoconference, teleconference, or other electronic means identified by the Commission;**
- (e) The Commission may question parties and witnesses by videoconference, teleconference, or other electronic means identified by the Commission;**
- (f) Cross-examination may be performed by videoconference, teleconference, or other electronic means identified by the Commission;**
- (g) Exhibits, other than live video as defined in Subtitle Z § 103.13(h), may be entered into evidence at an online virtual public hearing; provided that:**
- (1) The person making the request to enter an exhibit explains:**
- (A) How the proposed exhibit is relevant;**
- (B) The good cause that justifies allowing the exhibit into the record, including an explanation of why the requester did not file the exhibit prior to the hearing pursuant to Subtitle Z § 206; and**
- (C) How the proposed exhibit would not unreasonably prejudice any party;**
- (2) Parties shall be simultaneously serve exhibits proposed to be entered into the record on all other parties by email;**
- (3) The Commission determines that the proposed exhibit is relevant and that the requester demonstrated good cause to enter the exhibit and no unreasonable prejudice to any party would occur thereby; and**
- (4) If the Office of Zoning is unable to display an exhibit publicly during the online virtual public hearing, the Commission may keep the record open for submission of the exhibits or provide other accommodations the Commission deems appropriate; and**

- (h) Live video, defined as the simultaneous online streaming transmission of video that shows anything other than a witness testifying in a fixed location and excluding pre-recorded video, may not be presented as part of the testimony of an individual or party at a virtual public hearing;**
- (i) The Commission may provide parties additional time to respond to exhibits introduced at an online virtual public hearing or other accommodations the Commission deems appropriate;**
- (j) Notice of online virtual public hearings shall include instructions for participation by the videoconference, teleconference, or other electronic means identified by the Commission, the details of which shall be provided on the Office of Zoning website;**
- (k) Any person desiring to testify in an online virtual public hearing shall sign up with the Office of Zoning prior to the conclusion of public testimony at the online virtual public hearing in accordance with the instructions provided on the Office of Zoning website;**
- (l) As part of signing up to testify:**
- (1) All persons shall perform the required oath or affirmation, provided that a witness that was unable to do so prior to testifying may be sworn in at the virtual hearing; and**
- (2) The Office of Zoning shall provide the opportunity for the witness to submit a written version of the planned oral testimony to the record if filed at least 24 hours before the start of the public hearing as established by Subtitle Z § 206;**
- (m) An individual or organization representative who is unable to testify at a public hearing due to technical issues out of the requester's control may file a request to reopen the record to submit a separate written version of the planned oral testimony in accordance with the time limits for testimony; provided that:**
- (1) The written version of the planned oral testimony is included as a separate document;**
- (2) The request demonstrates good cause for the submission and that granting the request would not unreasonably prejudice a party, including:**
- (A) An explanation of the specific technical issues that prevented the testimony during the public hearing;**

- (B) How these issues were out of the control of the requester; and
- (C) How the planned oral testimony differed from the written version submitted to the record prior to the start of the public hearing or why the requester did not submit a written version to the record prior to the public hearing; and
- (3) The request is submitted to the record within twenty-four (24) hours following the conclusion of public testimony in the hearing;
- (n) If the Presiding Officer grants a request filed under Subtitle Z § 103.13(m), the Presiding Officer shall establish a reasonable time within which parties may respond and the Director shall enter the written version of the planned oral testimony into the record and notify the parties of the deadline to respond;
- (o) The Commission shall not issue an order in a case with a virtual public hearing until at least forty-eight (48) hours after the conclusion of the public hearing;
- (p) All votes shall be taken by roll call as required by § 2 of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-577(a)(3)); and
- (q) In the event that an online virtual public hearing or meeting is interrupted by technical difficulties such as the loss of the internet connectivity, the presiding officer, or if no member is present, the Secretary of the Commission or Office of Zoning staff, may suspend the hearing or meeting; provided that notice of the suspension and of the date and time of the continued hearing or meeting shall be posted on the Office of Zoning website and e-mailed to the parties within twenty-four (24) hours of the suspension or as soon as is technically feasible.

Subsections 206.3 and 206.7 of § 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, of Chapter 2, PUBLIC PARTICIPATION, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:

- 206.3** Comments may be submitted electronically through IZIS or by e-mail; except that no comments shall be ~~submitted~~ accepted into the record electronically ~~after 5:00 p.m. on the day~~ if submitted or e-mailed less than twenty-four (24) hours prior

to the start of ~~the~~ a public hearing or meeting at which the Commission will consider the applicable case, ~~other than~~ except for exhibits to be introduced at a public hearing or meeting under Subtitle Z § 103.13(g).

206.7

All documents to be filed electronically through IZIS or by e-mail shall be in portable document format (PDF), except for pre-recorded video that shall be submitted as a digital file by e-mail, and shall not be ~~filed after 9:00 p.m. on the day~~ accepted into the record if filed or e-mailed less than twenty-four (24) hours prior to the start of ~~the~~ a public hearing or meeting at which the Commission will consider the applicable case except for exhibits proposed to be introduced at a public hearing or meeting under Subtitle Z § 103.13(g).

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

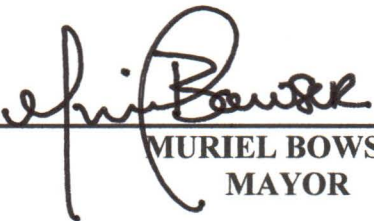
Mayor's Order 2020-085
August 14, 2020

SUBJECT: Appointment — Interim City Administrator

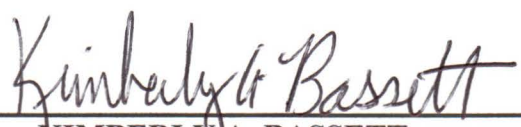
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), it is hereby **ORDERED** that:

1. **KEVIN DONAHUE** is appointed Interim City Administrator, to serve at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-001, dated January 2, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-086
August 17, 2020

SUBJECT: Reappointments and Appointments — Workforce Investment Council

ORIGINATING AGENCY: Office of the Mayor

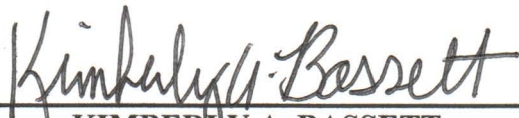
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-086, dated June 2, 2016, it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Workforce Investment Council ("Council") for terms to end June 23, 2023:
 - a. **LIZ DEBARROS**, as a representative of the business organization sector;
 - b. **KOREY GRAY**, as a representative of the energy and utility sector;
 - c. **BERNADETTE HARVEY**, as a representative of the construction sector; and
 - d. **STACY SMITH**, as a representative of the hospitality sector.
2. **SYBONGILE COOK**, is appointed as the Deputy Mayor for Planning and Economic Development's designee to the Council, replacing Karima Woods, to serve at the pleasure of the Mayor.
3. **DARRYL EVANS**, is appointed as the Department of Disability Services' designee to the Council, replacing Andrew Reese, to serve at the pleasure of the Mayor.
4. **NICOLE HANRAHAN**, is appointed as a representative of a community-based organization member of the Council, replacing Stephen Courtien, for a term to end June 23, 2023.
5. **LAWRENCE POTTER**, is appointed as the University of the District of Columbia's designee to the Council, replacing Tony Summers, to serve at the pleasure of the Mayor.
6. The following persons are appointed to the Executive Committee of the Council:
 - a. **ANGELA FRANCO**, as a representative of businesses in the District; and
 - b. **STACY SMITH**, as a representative of businesses in the District.

7. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING****WEDNESDAY, SEPTEMBER 2, 2020 AT 10:00 AM
TELEPHONIC MEETING**

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

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, September 2, 2020 at 10am. The meeting will be telephonic and members of the public may hear the meeting by calling:

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

Access code: 160 515 4634.

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

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Memorandum:
 - (A) Advisory Group Memo #38 – Statistics on District Adult Criminal Charges and Convictions.
- III. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

ADMINISTRATIVE NOTICE:

Temporary Suspension of Enforcement of Child Development Facility Licensing Regulation Requiring Complete Documentation of a Comprehensive Physical Health Examination and Oral Health Examination

Effective Date: July 6, 2020

I. Purpose

The purpose of this notice is to announce that the Office of State Superintendent of Education (OSSE) has temporarily suspended its enforcement of the child development facility licensing regulation at 5A District of Columbia Municipal Regulation (DCMR) § 152.1, which requires licensed child development facilities to ensure that each child attending the facility, prior to the child's first day of services and at least annually thereafter, submit to the facility and to OSSE upon request, appropriate, complete documentation of a comprehensive physical examination, which shall include evidence of age-appropriate health examinations or screenings and up-to-date immunizations, and for each child three (3) years of age or older, evidence of an oral health examination. This temporary suspension of enforcement provides licensed facilities with a grace period for the collection of these health forms for children aged three (3) and older until November 2, 2020. OSSE previously provided public notice of this grace period on its [website](#) on July 6, 2020. It is providing further notice via this administrative issuance.

II. Background

Typically, enrolled children at a licensed child development facility are given a thirty (30) day grace period from the child's birthday or date of the required annual examination to meet all required health and oral examinations. Further, children experiencing homelessness or a child who is a ward of the District in foster care have a sixty (60) day grace period from the child's first day of service to have all health and oral examinations and submit the required documentation. The COVID-19 public health emergency has impacted District families' ability to secure timely physical examination and oral health appointments to the extent that these families cannot provide the required forms within the pre-existing grace periods. Consequently, OSSE has authorized a grace period for the collection of health forms by child development facilities for children aged three (3) and older until November 2, 2020. Upon the expiration of this temporary suspension on November 2, 2020, all health forms for all enrolled and newly enrolling children must be current and up-to-date with the facility in accordance with 5A DCMR §§ 152.1-152.13.

This grace period applies only to the collection of Universal Health Certificates, Oral Health Assessments, and Medication Authorization Forms by child development facilities at the time of a child's first day of services and at least annually thereafter. This grace period

applies only to children aged three (3) and older both currently enrolled as well as those newly enrolling. Children under age three (3) shall continue to submit completed health documents to the child development facility. Child development facilities shall continue to notify families of missing health documents and accept these documents when submitted. Child development facilities are not required to prevent or remove a child aged three (3) or older from enrollment due to missing health documents.

This temporary suspension does not apply to the regulatory requirement for child development facilities to ensure all enrolled children are fully immunized in accordance with 22-B DCMR §§ 131-137. Child development facilities shall continue to fully enforce immunization requirements at the time of a child's first day of services and at least annually thereafter pursuant to 5A DCMR § 152.3. Pediatric immunizations are essential to the prevention of an outbreak of a vaccine-preventable disease among children.

III. Authority

Section 7 of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036 (2012 Repl. & 2015 Supp.)); Mayor's Order 2009-130, dated July 16, 2009.

IV. Procedures

As of the effective date of July 6, 2020, OSSE has temporarily suspended enforcement of 5A DCMR § 152.1 until November 2, 2020.

SO ORDERED:

Hanseul Kang
State Superintendent
Office of the State Superintendent of Education

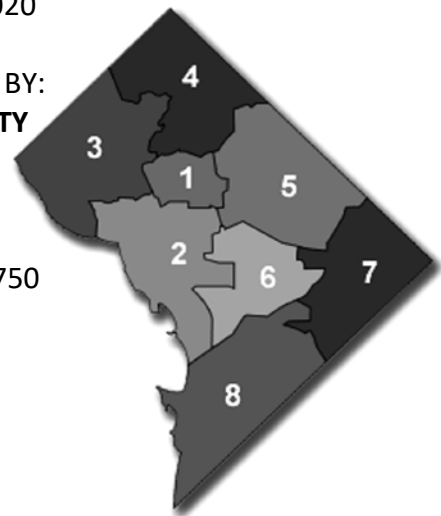
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of July 31, 2020**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	48,702	2,850	569	288	169	11,119	63,697
2	32,200	5,116	210	257	119	10,196	48,098
3	40,446	5,717	328	257	118	10,744	57,610
4	51,230	2,157	503	177	150	8,656	62,873
5	55,411	2,500	569	256	232	9,743	68,711
6	60,082	7,803	488	412	202	14,370	83,357
7	50,114	1,420	475	147	190	7,315	59,661
8	48,681	1,582	478	164	172	8,009	59,086
Totals	386,866	29,145	3,620	1,958	1,352	80,152	503,093
Percentage By Party	76.90%	5.79%	.72%	.39%	.27%	15.93%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF July 31, 2020

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
<http://www.dcboe.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,727	37	13	9	8	297	2,091
22	4,134	407	21	26	10	1,026	5,624
23	3,148	207	41	25	11	740	4,172
24	2,844	257	25	35	6	751	3,918
25	4,146	399	41	24	11	1,023	5,644
35	3,906	183	53	21	14	811	4,988
36	4,656	233	49	24	13	986	5,961
37	3,922	188	31	19	24	859	5,043
38	3,178	142	37	16	12	744	4,129
39	4,263	175	59	18	10	939	5,464
40	3,806	179	73	16	9	879	4,962
41	3,949	185	73	24	21	1,027	5,279
42	1,916	92	23	10	7	464	2,512
43	1,928	73	22	9	6	352	2,390
137	1,179	93	8	12	7	221	1,520
TOTALS	48,702	2,850	569	288	169	11,119	63,697

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	952	164	7	8	7	494	1,632
3	1,847	359	12	18	9	697	2,942
4	2,173	469	10	20	7	774	3,453
5	2,162	552	14	29	11	780	3,548
6	2,575	711	16	22	17	1,207	4,548
13	1,334	200	6	8	4	412	1,964
14	2,786	370	17	27	4	751	3,955
15	3,167	317	28	21	8	800	4,341
16	3,445	416	26	19	11	858	4,775
17	4,915	544	29	43	17	1,343	6,891
129	2,616	383	14	14	11	921	3,959
141	2,551	281	18	14	7	581	3,452
143	1,677	350	13	14	6	578	2,638
TOTALS	32,200	5,116	210	257	119	10,196	48,098

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,382	372	9	13	3	529	2,308
8	2,562	591	19	12	9	806	3,999
9	1,315	474	9	11	7	483	2,299
10	1,970	370	20	11	7	661	3,039
11	3,684	676	42	44	16	1,180	5,642
12	553	169	1	3	2	218	946
26	3,136	334	23	21	7	843	4,364
27	2,469	225	24	8	2	524	3,252
28	2,570	401	25	19	10	765	3,790
29	1,405	157	14	9	4	380	1,969
30	1,327	186	11	5	3	296	1,828
31	2,533	301	18	11	10	538	3,411
32	2,899	272	30	13	11	595	3,820
33	3,032	252	22	11	4	650	3,971
34	4,161	353	26	21	8	1,043	5,612
50	2,327	286	15	18	7	521	3,174
136	889	67	7	5	1	250	1,219
138	2,232	231	13	22	7	462	2,967
TOTALS	40,446	5,717	328	257	118	10,744	57,610

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,413	62	27	15	7	355	2,879
46	2,969	86	33	13	11	482	3,594
47	3,614	142	38	9	13	698	4,514
48	2,916	120	31	9	2	526	3,604
49	1,002	43	11	2	8	191	1,257
51	3,484	486	20	11	9	613	4,623
52	1,336	138	10	4	2	223	1,713
53	1,293	66	21	5	5	234	1,624
54	2,303	70	28	5	5	397	2,808
55	2,550	82	17	7	12	410	3,078
56	3,375	99	37	22	12	621	4,166
57	2,543	73	22	14	9	482	3,143
58	2,305	64	21	6	5	350	2,751
59	2,649	78	24	9	7	384	3,151
60	2,273	69	29	8	9	606	2,994
61	1,661	62	14	7	5	282	2,031
62	3,294	122	19	7	2	399	3,843
63	3,952	140	51	9	15	658	4,825
64	2,421	70	18	6	10	363	2,888
65	2,877	85	32	9	2	382	3,387
Totals	51,230	2,157	503	177	150	8,656	62,873

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,845	228	59	32	20	1,021	6,205
44	2,836	189	29	15	13	617	3,699
66	4,773	126	37	16	15	683	5,650
67	2,877	101	23	7	9	421	3,438
68	2,002	169	22	12	14	380	2,599
69	2,159	72	19	6	8	278	2,542
70	1,548	59	24	3	4	250	1,888
71	2,514	74	32	13	12	386	3,031
72	4,512	160	35	18	23	729	5,477
73	1,979	99	19	10	8	358	2,473
74	5,077	300	63	22	21	1,013	6,496
75	4,247	227	39	27	17	803	5,360
76	1,797	132	19	15	14	386	2,363
77	3,065	119	29	14	12	517	3,756
78	3,072	106	40	13	11	514	3,756
79	2,183	89	21	9	12	425	2,739
135	3,158	168	36	17	12	598	3,989
139	2,767	82	23	7	7	364	3,250
TOTALS	55,411	2,500	569	256	232	9,743	68,711

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,885	574	35	30	17	1,361	6,902
18	4,997	373	42	27	13	1,085	6,537
21	1,204	58	13	8	1	249	1,533
81	4,764	367	45	24	19	933	6,152
82	2,616	267	23	17	3	590	3,516
83	3,635	418	30	32	16	831	4,962
84	2,029	383	19	13	10	526	2,980
85	2,776	514	17	17	4	702	4,030
86	2,254	242	16	8	7	411	2,938
87	2,680	282	15	18	11	582	3,588
88	2,118	292	21	10	8	436	2,885
89	2,801	598	23	20	8	757	4,207
90	1,656	233	17	8	13	490	2,417
91	4,372	421	27	24	16	925	5,785
127	4,302	326	44	21	15	876	5,584
128	2,624	223	23	15	6	623	3,514
130	774	287	6	5	3	251	1,326
131	4,194	1,228	39	47	15	1,308	6,831
142	2,289	315	17	29	6	613	3,269
144	3,112	402	16	39	11	821	4,401
TOTALS	60,082	7,803	488	412	202	14,370	83,357

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,452	91	20	9	9	275	1,856
92	1,568	38	16	4	5	224	1,855
93	1,690	48	26	3	7	245	2,019
94	2,072	57	21	7	7	307	2,471
95	1,677	55	16	6	6	267	2,027
96	2,476	73	20	5	11	362	2,947
97	1,435	57	16	7	5	242	1,762
98	2,051	58	23	7	15	302	2,456
99	1,674	53	16	10	12	312	2,077
100	2,656	47	22	8	6	346	3,085
101	1,585	50	15	7	6	192	1,855
102	2,627	73	25	3	15	343	3,086
103	3,595	87	39	13	12	535	4,281
104	3,374	90	39	9	15	512	4,039
105	2,574	74	18	7	9	423	3,105
106	2,884	68	24	4	11	419	3,410
107	1,790	60	13	5	6	257	2,131
108	1,075	32	2	0	2	129	1,240
109	967	31	4	3	1	117	1,123
110	3,881	100	22	7	11	450	4,471
111	2,592	63	37	13	5	422	3,132
113	2,291	55	22	6	8	291	2,673
132	2,128	60	19	4	6	343	2,560
TOTALS	50,114	1,420	475	147	190	7,315	59,661

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of July 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,284	67	19	1	9	320	2,700
114	4,157	169	53	24	25	841	5,269
115	2,822	88	30	10	11	616	3,577
116	4,213	112	42	13	12	661	5,053
117	2,334	58	21	12	6	392	2,823
118	2,958	90	40	8	14	456	3,566
119	2,700	101	29	9	13	454	3,306
120	2,295	53	14	9	2	324	2,697
121	3,547	98	29	13	5	522	4,214
122	1,859	59	21	4	7	297	2,247
123	2,542	208	25	20	12	477	3,284
124	2,659	70	23	7	10	350	3,119
125	4,654	107	39	12	18	765	5,595
126	4,113	140	54	13	16	784	5,120
133	1,334	48	6	2	0	169	1,559
134	2,276	55	25	2	3	301	2,662
140	1,934	59	8	5	9	280	2,295
TOTALS	48,681	1,582	478	164	172	8,009	59,086

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 6/30/2020 and 7/31/2020

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	385,049	29,013	3,596	1,918	1,338	79,761	500,675
Board of Elections Over the Counter	48	3	0	1	2	15	69
Board of Elections by Mail	166	16	0	2	1	56	241
Board of Elections Online Registration	566	56	3	18	2	171	816
Department of Motor Vehicle	708	65	13	12	2	196	996
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	1	3	0	0	0	0	4
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	0	0	0	0	0	2	2
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	15	2	0	0	0	6	23
+Total New Registrations	1,504	145	16	33	7	446	2,151

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	960	75	9	6	2	179	1,231
Administrative Corrections	2	0	0	0	13	0	15
+TOTAL ACTIVATIONS	962	75	9	6	15	179	1,246

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	0	1	0	0	0	1	2
Moved Out of District (Deleted)	0	0	0	0	0	0	0
Felon (Deleted)	33	1	1	0	0	18	53
Deceased (Deleted)	284	11	3	1	0	25	324
Administrative Corrections	381	25	4	15	0	367	792
-TOTAL DEACTIVATIONS	698	38	8	16	0	411	1,171

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	350	61	22	39	9	449
- Changed From Party	-301	-111	-15	-22	-17	-272
ENDING TOTALS	386,866	29,145	3,620	1,958	1,352	80,152

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF PUBLIC MEETING

Homeland Security Commission

August 27, 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 27, 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.

I DREAM PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS
990 and Audit Services

I Dream Public Charter School is seeking proposals from individuals or companies to provide services for a 990 (due November 15 for the 2019 calendar year), a 990 (for January 2020 – July 2020), and audit services thereafter. I Dream PCS will accept bids through 5:00 PM Friday, August 28.

Auditors must be on the Public Charter School Board (PCSB)'s approved auditor list. Bids that do not address all areas outlined in the RFP and that are not submitted by the deadline will not be considered.

For additional information, please contact:

Ted Joseph
I Dream Public Charter School
Tedjoseph04@gmail.com

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY,

and

FORMAL CASE NO. 1155, IN THE MATTER OF THE APPLICATION OF THE POTOMAC ELECTRIC POWER COMPANY FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PROGRAM,

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 District of Columbia Official Code,¹ of its final action taken on the Potomac Electric Power Company’s (“Pepco”) tariff revisions to update its Residential Service Plug-In Vehicle Charging Schedule “R-PIV” (On-Peak and Off-Peak Generation Service Charges).

2. By Order Nos. 19898 and 19983, the Commission approved with modification Pepco’s Transportation Electrification Program Offering 1, implementing a residential whole house time-of-use (“TOU”) rate.² This specific Offering was designed for residential customers who own or lease electric vehicles and are using Pepco’s standard offer service. Under the associated tariff, customers will be charged a TOU rate.³ In response to the Commission’s directives, Pepco filed a proposed tariff for Offering 1, which created residential TOU rates (Schedule “R-PIV”) and a renewable energy rider (Rider “PIV-Green”) available to customers taking service under Schedule “R-PIV.”⁴ Shortly thereafter, Pepco filed an update to the proposed tariff for this service to allow net energy metering customers to also take service under Schedule “R-PIV.”⁵ The Commission published a Notice of Proposed Tariff (“NOPT”) and a subsequent Notice of Final Tariff (“NOFT”), approving Pepco’s proposed tariff.⁶

¹ D.C. Code § 2-505 (2016 Repl.) and D.C. Code § 34-802 (2012 Repl.).

² *Formal Case No. 1130 and Formal Case No. 1155*, Order Nos. 19898, rel. April 12, 2019; Order No. 19983, rel. August 2, 2019.

³ *Formal Case No. 1130 and Formal Case No. 1155*, Pepco Application at 28.

⁴ *Formal Case No. 1130 and Formal Case No. 1155*, Potomac Electric Power Company’s Transportation Electrification - Implementation Plan, filed October 31, 2019.

⁵ *Formal Case No. 1130 and Formal Case No. 1155*, Potomac Electric Power Company’s Update to the Transportation Electrification Implementation Plan, filed December 9, 2019.

⁶ *66 D.C. Reg. 016724-016726* (December 27, 2019); *67 D.C. Reg. 001046-002048* (January 31, 2020). No comments were filed on Pepco’s NOPT.

3. On March 11, 2020, Pepco filed a proposed update to Schedule “R-PIV” On-Peak and Off-Peak Generation Service Charges.⁷ According to Pepco, as of March 11, 2020, there were no customers receiving service under Schedule “R-PIV.”⁸ Pepco explained that the updated rates reflect the following changes: (1) a correction of two clerical errors in the model used to develop Schedule “R-PIV;” and (2) the use of updated PJM Interconnection data and customer usage data for calendar year 2019 in the model used to develop Schedule “R-PIV.”⁹ Pepco requested that the proposed updates be approved and become effective on or after April 1, 2020. Pepco proposed to change the following tariff page to reflect the requested updates:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
(Former) Original Page No. R-19
(New) First Revised Page No. R-19**

4. On April 3, 2020, the Commission published a NOPT and invited comments on Pepco’s proposal.¹⁰ The Department of Energy and Environment (“DOEE”) filed comments on that NOPT, stating that it does not support the proposed changes because it lacks sufficient technical justification and reduces the summer season on-peak/off-peak price differential by 25%.¹¹ In response, Pepco provided the workpapers underlying its proposed rates and descriptions of its rate methodology addressing DOEE’s comments. Subsequently, DOEE filed comments in support of Schedule “R-PIV” conceptually but expressed several concerns with Pepco’s methodology.¹²

5. On June 8, 2020, Pepco proposed to update its summer and winter rates, which would cover the 2020-2021 summer and winter seasons and are based on the applicable Schedule “R” SOS rates.¹³ Pepco also stated that the revised rates are the result of a further refined model used to develop Schedule “R-PIV” rates to better ensure that Schedule “R-PIV” generation service charges are revenue neutral.¹⁴ On June 26, 2020, the Commission published a NOPT that included

⁷ *Formal Case No. 1130 and Formal Case No. 1155*, Potomac Electric Power Company’s Proposed Update to Schedule “R-PIV” On-Peak and Off-Peak Generation Service Charges, filed March 11, 2020 (“Pepco Service Charge Update”).

⁸ *Formal Case No. 1130 and Formal Case No. 1155*, Pepco’s Service Charge Update.

⁹ *Formal Case No. 1130 and Formal Case No. 1155*, Pepco’s Service Charge Update.

¹⁰ 67 D.C. Reg. 3891-3892 (April 3, 2020).

¹¹ *Formal Case No. 1130 and Formal Case No. 1155*, The Department of Energy and Environment’s Comments on the Notice of Proposed Tariff Regarding the Potomac Electric Power Company’s Residential Service Plug-in Vehicle Charging Schedule “R-PIV,” (“DOEE’s Comments”), filed April 17, 2020.

¹² *Formal Case No. 1130 and Formal Case No. 1155*, Reply Comments of the Department of Energy and Environment to the Potomac Electric Power Company’s Response to Comments Regarding Vehicle Charging Schedule “R-PIV,” at 3 (“DOEE Reply Comments”), filed May 28, 2020.

¹³ *Formal Case No. 1130 and Formal Case No. 1155*, Potomac Electric Power Company’s Update to Proposed Whole House Time-of-Use Rates (“Pepco’s June 8, 2020 Update”), filed June 8, 2020.

¹⁴ *Formal Case No. 1130 and Formal Case No. 1155*, Pepco’s June 8, 2020 Update at 3-4.

Pepco's updated residential Standard Offer Service ("SOS") rates for the 2020-2021 summer and winter seasons after approval of its Schedule "R-PIV" tariff.¹⁵ These revised summer and winter rates are based on the applicable Schedule "R" SOS rates. Pepco requested that these rates become effective August 1, 2020.¹⁶ On July 28, 2020, DOEE filed Comments again reiterating its concerns. However, the Commission has determined that Pepco's methodology is appropriate and will result in rates that are cost-based and revenue neutral, precluding cross-subsidization, and thus are just and reasonable. The Commission, at its Open Meeting on August 12, 2020, took final action approving Pepco's update to its existing Schedule "R-PIV" On-Peak and Off-Peak Generation Service Charges, effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

¹⁵ 67 *D.C. Reg.* 7976-7977 (June 26, 2020).

¹⁶ 67 *D.C. Reg.* 7976-7977, ¶ 3.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

FORMAL CASE NO. 1155, IN THE MATTER OF THE APPLICATION OF THE POTOMAC ELECTRIC POWER COMPANY FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PROGRAM,

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 District of Columbia Code,¹ of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) Plug-in Vehicle – Green Rider – PIV Green in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On July 31, 2020, Pepco filed with the Commission a proposed update to its Rider PIV-Green and the rate associated with the Rider PIV-Green.² In the filing, Pepco shows the current and proposed Rider PIV-Green and the calculation of the Rider PIV-Green rate. Pepco proposes to amend the following tariff page to reflect the update to its Rider PIV-Green rate.

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
(Former) Original Page No. R-57
(New) First Revised Page No. R-57**

3. Pepco proposes to update its Rider PIV-Green rate from \$0.047170 per kilowatt-hour to \$0.05120 per kilowatt-hour.³ Pepco is requesting that the proposed update to its Rider PIV-Green rate be approved and become effective on and after September 1, 2020.⁴

4. Any person interested in commenting on the subject matter of this NOPT may submit written comments not later than thirty (30) days after publication of this Notice in the *D.C. Register* 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.dcpSC.org/public/public_comments. Copies of this NOPT may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the

¹ D.C. Code § 2-505 (2016 Repl.) and D.C. Code § 34-802 (2012 Repl.)

² *Formal Case No. 1155, In the Matter of the Application of the Potomac Electric Power Company for Approval of its Transportation Electrification Program* (“*Formal Case No. 1155*”), Potomac Electric Power Company's Proposed Rider “PIV-Green” Tariff Update, filed July 31, 2020 (“Pepco's Rider Update”).

³ *Formal Case No. 1155*, Pepco's Rider Update at 14.

⁴ *Formal Case No. 1155*, Pepco's Rider Update at 1.

Commission Secretary at the address provided above. Persons with questions concerning this NOPT should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov. After the comment period has expired, the Commission will take final action on Pepco's updated Rider "PIV-Green" rate.

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 July 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 May 29, 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: July 1, 2020
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Arness, II	John E.	Kass Legal Group, PLLC 4301 Connecticut Avenue, NW, Suite 434	20008
Brown-Hall	Lynda Joyce	Self 4928 12th Street, NW	20017
Burley	Margaret	U.S. Housing & Urban Development 451 7th Street, SW, Suite 6148	20410
Butler	Sheri Ann	Amgen 601 13th Street, NW, Suite 1100N	20005
Curry	Eddie Hue	Self (Dual) 1204 Linden Place, NE	20002
Davis	Kenneth E.	Self 526 Shepherd Street, NW	20011
Ehrlich	Allison	U.S. Chamber of Commerce 1615 H Street, NW	20062
Hargrove	Holland Stanwick	Naval Facilities Engineering Command 1314 Harwood Street, SE	20374
Howe	Ashley	DC Brau Brewing, LLC 3178 Bladensburg Road, NE, Suite B	20018
Jones	Glorine R.	Self 167 Joliet Street, SW, #103	20032
King	Regina M.	Self 4217 Marne Place, NE	20019
Lathon	Darlene Winslow	Katten 2900 K Street, NW, Suite 200	20007
McMillan	Kimberly P.	Wood Family Office 3633 M Street, NW, #1	20007
Milne-Henry	Joy A.	Venable, LLP 600 Massachusetts Avenue, NW	20001

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: July 1, 2020
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Newon	Phyllis	Squire Patton Boggs, LLP 2550 M Street, NW	20037
Sherrill	Michael	Region Legal Service Office Naval District Washington 20 MacDill Boulevard, SW, Suite 349	20032
Silver	Donna C.	Wilson Elser Moskowitz Edelman & Dicker, LLP 1500 K Street, NW, Suite 330	20005
Smith	Harry Lee	IBTTA 1146 19th Street, NW, Suite 600	20036
Watts	Cheryl J,	United States Securities and Exchange Commission 100 F Street, NE	20549
White	Simone G.	American Red Cross 430 17th Street, NW, Suite 181	20006
Wong	Carmen	Reno & Cavanaugh, PLLC 455 Massachusetts Avenue, NW, Suite 400	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 July 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 June 12, 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.

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Recommendations for Appointments as DC Notaries PublicEffective: July 15, 2020
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Alfaro	Ivis	Melanoma Research Foundation 1420 K Street, NW, 7th Floor	20005
Baasch	Catherine A	Miriam's Kitchen 2401 Virginia Avenue, NW	20037
Beaner, Jr	David W.	PNC Bank 3806 12th Street, NE	20017
Boggs	Justin G.	The Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Boxley	Traneda T.	Federal Contractors Inc. 623 Underwood Street, NW	20012
Butler	Brandon Michael	Self 1142 Barnaby Terrace, SE	20019
Cowling	Charletta Maria	Self 1631 Euclid Street, NW, #310	20009
David	Christopher Joseph	Kase & Associates, PC 700 Pennsylvania Avenue, SE, #360	20003
Faulkner	Rosalind Kernelle	Calvert House 2401 Calvert Street, NW	20008
Gladden	Antonia	Transco Inc 3399 Benning Road, NE	20019
Gray	Anna Maria	Alliance Law Firm International, PLLC 1627 K Street, NW, Suite 500	20006
Hernandez	William C.	Self 2606 4th Street, NE	20002
Johnson	Deborah A.	Akin Gump Strauss Hauer & Feld LLP 2001 K Street, NW	20006
McGregor	Theresa A.	American Psychological Association 750 First Street, NW	20002

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: July 15, 2020
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Mingione	Elizabeth	Alderson Reporting Company 111 14th Street, NW	20005
Nute	Maureen A.	Coldwell Banker Residential Brokerage 1617 14th Street, NW	20009
Outlaw	Willie C.	Self 637 Nicholson Street, NE	20011
Pourghassemi	Ali	Bethune Development 611 Pennsylvania Avenue, SE	20003
Ruiz	Loris A.	United States Senate Disbursing Office 127 Hart Senate Office Building	20510
Wyman	Jill Elizabeth	National Community Church 205 F Street, NE	20002

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 August 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 June 26, 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.

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Recommendations for Appointments as DC Notaries Public

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Aguado	Dora M.	Law Office of Dora Aguado 1629 K Street, NW, Suite 300	20006
Cooke	Brec	Price Benowitz, LLP 409 Seventh Street, NW, Suite 200	20004
Cruzado	Ora Loraine	Wilkinson Walsh, LLP 2001 M Street, NW, 10th Floor	20036
Curtin	Vicky L.	Koch Companies Public Sector, LLC 601 New Jersey Avenue, NW, Suite 750	20001
Daniels	Kelly Marie	Academic Search 1015 18th Street, NW, Suite 510	20036
Hubbard	April L.	Tenth Street Baptist Church 1000 R Street, NW	20001
Ianni	Daniel Joseph	George Sexton Associates 2121 Wisconsin Avenue, NW, Suite 220	20007
Jacobs	Harvey S.	Jacobs & Associates, Attorneys At Law, LLC 700 New Hampshire Avenue, NW, Suite 816	20037
Jansen	Mandy	Habitat for Humanity of Washington, D.C. 2115 Ward Court, NW, Suite 100	20037
Jordan	Sheila Denise	Office of the Attorney General 441 4th Street, NW	20001
Outlaw	Traci R.	Self 12 Burns Street, NE	20019
Panepinto	Catherine M.	Bradley Arant Boult Cummings, LLP 1615 L Street, NW, Suite 1350	20036
Poitevien	Jean	BBL PROCESSORS 2358 Skyland Place, SE, #603	20020

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Talarico	Jena K.	Crowell & Moring,LLP 1001 Pennsylvania Avenue, NW	20004
Urban	Mary Anne	Knollwood Military Retirement Community 6200 Oregon Avenue, NW	20015

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

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Recommendations for Appointments as DC Notaries Public

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Bailey	Brenda	Fish & Richardson, PC 1000 Maine Avenue, SW, Suite 1000	20024
Boyd	Barbara D.	National Academy of Engineering 500 5th Street, NW, Suite NAS 312	20001
Broussard	Shari R.	Veritext 1250 Eye Street, NW	20005
Brown	April L	Self (Dual) 834 Oglethorpe Street, NE	20011
Bryant	Mary Ann	U.S. Department of Energy 1000 Independence Avenue, SW	20585
Callwood- Fautroy	Kathryn	Adduci, Mastriani & Schaumberg, LLP 1133 Connecticut Avenue, NW	20036
Chase	Monique Renee'	Self 1902 Naylor Road, SE	20020
Edwards	Sharon M.	Self 2200 13th Street, NE	20018
Fagan	Kevin R.	Premier Bank, Inc. 1160 First Street, NE	20002
Forbes	Vera Chapman	Sherman Dunn, P.C. 900 Seventh Street, NW, Suite 1000	20001
Gates	Apryl C.	PNC Bank 650 Pennsylvania Avenue, SE	20003
Glaser	Karen	Self 2301 Champlain Street, NW, #411	20009
Glekas	George Peter	St. Sophia Greek Orthodox Cathedral 2815 36th Street, NW	20007

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Graham-Watanabe	Ashley Renee	Neighborhood Legal Services Program 2412 Minnesota Avenue, SE, Suite 1	20020
Gray	Dorothy J.	Association of American Veterinary Medical Colleges 655 K Street, NW	20001
Gregory	Diane S.	Self 1506 D Street, NE	20002
James	Tanisha Nicole	Self (Dual) 1808 14 th Street, SE	20020
Knapp	Pamela	The Fairmont Washington, D.C., Georgetown 2401 M Street, NW	20037
Moon	Carrie M.	Executive Office of the President 1800 G Street, NW	20503
Morrow	Jason L.	Thompson Coburn ,LLP 1909 K Street, NW, Suite 600	20006
Pineros	Manuel	Wells Fargo 2001 K Street, NW, Suite 103	20006
Russo	Bonnie L.	Veritext Legal Solutions 1250 Eye Street, NW, Suite 350	20005
Schiller	Erika B.	Monarch Title, Inc. 210 7 th Street, SE, Suite 100	20003
Seale	Eleanor A.	Charles Hart Middle School 601 Mississippi Avenue, SE	20032
Sevier	Danielle M.	Schwartz & Ballen, LLP 1990 M Street, NW, Suite 500	20036
Slosberg	William J.	William J. Slosberg Attorney at Law 5833 Potomac Avenue, NW	20016

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Strimbu	Sybil Anne	Google, LLC 25 Massachusetts Avenue, NW, Ninth Floor	20001
Swann	Pamela K.	Self 825 Florida Avenue, NE	20002
Tucker	Dorinda M.	The George Washington University 2013 H Street, NW, 4th Floor	20052
Wheeler Allen	Glenda Mechelle	Answer Title 80 M Street, SE, Suite 100	20003
Yi	Heidi	Jane Moretz Edmisten & Associates, PC 4530 Wisconsin Avenue, NW, Suite 425	20016
Young	Deborah L.	Bradley Arant Boult Cummings, LLP 1615 L Street, NW, Suite 1350	20036

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

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Alexandra	Francois	Property Group Partners 200 Massachusetts Avenue, NW	20001
Bowen	Thalia Marie	Epstein Becker & Green, P.C. 1227 25th Street, NW	20037
Brown	Marcia Kaye	Global Scholars Foundation (GSF) 916 Pennsylvania Avenue, SE	20003
Burns	Carolyn P.	KVS Title, LLC 1407 T Street, NW, Suite 201	20009
Cox	Kristine Aurelia	EFO Capital Management, Inc. 21 Dupont Circle, NW, Suite 410	20036
Edelbi	Salem	Super Value Services 1917 I Street, NW, Suite 100	20006
Elnaggar	Celeste	Neal R. Gross & Co. Inc. 1323 Rhode Island Avenue, NW	20005
Griffin	Mark G.	Griffin, Murphy & Wiggins, LLP 1912 Sunderland Place, NW	20036
Hendrix	Shelva	Self (Dual) 6207 Piney Branch Road, NW	20011
Hogans	Catherine E.	Treasury Department Federal Credit Union 1101 2nd Street, NE	20002
Hooper	Joseph Lewis	Office of Attorney General Child Support Services Division 441 4th Street, NW, Room 550 North	20001
Li	Suzhi	Oasis International Travel Corporation 2201 Wisconsin Avenue, NW, Suite 333	20007
Marecheau Mitchell	Beverley	Self (Dual) 4326 Blagden Avenue, NW, #1961	20011

D.C. Office of the Secretary
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McGreal	Andrew Joseph	World War I Centennial Commission 701 Pennsylvania Avenue, NW, #123	20004
Moore	Sheila F.	Investment Company Institute 1401 H Street, NW	20005
Orellano	John	Barbara Betsock Attorney at Law 5028 Wisconsin Avenue, NW	20016
Pearson	Curtis Robert	Self 5125 Queens Stroll Place, SE	20019
Randall	Nicole	Stein Mitchell Beato & Missner LLP 901 15th Street, NW, Suite 700	20005
Ryan	Dana C.	Alderson Court Reporting 1111 14th Street, NW, Suite 1050	20005
Thompson	Yvette	Federal Bureau Of Prisons 400 1st Street, NW	20534
Turner	Denelda Denise	Lowenstein Sandler, LLP 2200 Pennsylvania Avenue, NW, Suite 500E	20037
Turner	Sylvia J.	Justice Federal Credit Union 950 Pennsylvania Avenue, NW, Suite 1419	20530
V'Estres	Camille Nina	Dept of Navy, Office of Naval Intelligence 4251 Suitland Road, SE	20395
Vasquez	Roberto	Self (Dual) 227 Tingey Street, SE, #917	20003
Vettovaglia	Afshin	EHT Traceries, Inc. 440 Massachusetts Avenue, NW	20001
Young	Cherita D.	Post & Schell, P.C. 607 14th Street, NW, Suite 600	20005

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: September 1, 2020

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Zin

Rosemary

Darby Overseas Investments, Ltd.

1133 Connecticut Avenue, NW, Suite
400

20036

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 September 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 August 14, 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: September 15, 2020

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Bailey	Susan L.	Curtin Law Roberson Dunigan & Salans 1900 M Street, NW, Suite 600	20036
Bankins	Lacinda	Lanchester Law Firm 601 Pennsylvania Avenue, NW, #900	20004
Barry	Jean Marie	The Heritage Foundation 214 Massachusetts Avenue, NE	20002
Cseplo	Daniel	UIP Asset Management, Inc. 140 Q Street, NE, #140B	20002
Dodson	Margaret Lydia	Self 5218 Ames Street, NE	20019
Ealley	Lisa	Squire Patton Boggs 2550 M Street, NW	20037
Gonzalez	Teresa S.	Capital Group 2099 Pennsylvania Avenue, NW, 400A	20006
Hughes	Shirley	Lanchester Law Firm 601 Pennsylvania Avenue, NW, South Building #900	20012
Johnson	Denise Marie	Self 2244 Shannon Place, SE	20020
Little	Wanda J.	Howard University 2244 10th Street, NW	20059
Manley	Peggy Ann	Unity Health Care, Inc. 1100 New Jersey Avenue, SE, Suite 500	20003
McCune	Kenya Tyese	Hausfeld, LLP 1700 K Street, NW, Suite 650	20006

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

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McGhee-Starke	Yivetta J.	Reno & Cavanaugh, PLLC 455 Massachusetts Avenue, NW, #400	20001
Millard	Preston	Griffin, Murphy & Wiggins, LLP 1912 Sunderland Place, NW	20036
Murray	Areather Theresa	Grace Murray Funeral Home, Inc. 5635 Eads Street, NE	20019
Narkis	Yigal	Self 1708 Newton Street, NW, #203	20010
Pryor	Duan Mario	Sidley Austin, LLP 1501 K Street, NW	20005
Roberts	Karen	FHI 360 1825 Connecticut Avenue, NW	20009
Rothstein	Bradley M.	Paragon Title 1410 Q Street, NW	20009
Scott	Brittany	Network For Good, Inc. 1140 Connecticut Avenue, NW, #700	20036
Short	Bryan K.	Effectus PLLC 1101 Connecticut Avenue, NW, Suite 450	20036
Smith	Susie N.	Self 1622 16th Street, SE	20020
Spriggs	Rosslyn Anne	Amtrak Police Department 900 2nd Street, NE, Suite 300	20002
Sullivan	Jody	Perkins Coie, LLP 700 13th Street, NW, Suite 800	20005
Sumpter	Anna Lisa	Houses4U Management Services, Inc. 1519 Pennsylvania Avenue, SE	20003

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

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Tiwari	Sitadai	MedStar Washington Hospital Center 110 Irving Street, NW, #2A-38i	20010
Vogt	Mary E.	Grossberg Yochelson Fox & Beyda, LLP 1200 New Hampshire Avenue, NW, Suite 555	20036
Walder	Barbara J.	Reno & Cavanaugh, PLLC 455 Massachusetts Avenue, NW, 400	20001
Whalen	Josett F.	For The Record, Inc. 1200 G Street, NW, Suite 800	20005
Wheeler	Katharyn L.	Metropolitan Washington, D.C. Synod 305 E Street, NW, 300	20001

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR 2021 (FY21)

FY21 Reentry Services and Support RFA

The Office of Victim Services and Justice Grants (OVSJG) announces the availability of FY 2021 grant funds for community-based organizations providing reentry services and supports to returning citizens.

Funding is available for the following:

- Develop and implement a men's reentry housing pilot program;
- Provide advocacy and legal support for individuals serving extreme sentences and seeking sentence review;
- Support District youth incarcerated as adults through creative writing and peer support for reentry services for sentence review petitioners and recipients;
- Support capacity building and reentry services at organizations that have not previously received funding from OVSJG; and
- Provide administrative support to the DC Reentry Action Network (DC-RAN), including meeting coordination and support, training and education for member organizations, and other activities related to coordinating reentry services in the District.

Eligible Organizations/Entities: Any public or private, community-based non-profit agency, organization, or institution located in the District of Columbia is eligible to apply. For-profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies.

Length of Award: The anticipated grant award period is October 1, 2020 to September 30, 2021.

Application Submission Deadline: Monday, September 21, 2020.

The Request for Applications (RFA) will be available electronically beginning Friday, August 21, 2020 at <http://ovsjg.dc.gov>. All applications must be submitted to OVSJG's online grants management portal, [ZoomGrants](#)TM.

For additional information regarding this grant competition, please email ovsjg@dc.gov with the subject line reference "FY21 Reentry Services and Support RFA."

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, September 3, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 120 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|--|-------------------------|
| 1. | Call to Order | Board Chairman |
| 2. | Roll Call | Board Secretary |
| 3. | Approval of July 2, 2020 Meeting Minutes | Board Chairman |
| 4. | Committee Reports | Committee Chairperson |
| 5. | Chief Executive Officer's Report | Chief Executive Officer |
| 6. | Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. | Other Business | Board Chairman |
| 8. | Adjournment | Board Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, August 25, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water’s website at www.dewater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dewater.com.

DRAFT AGENDA

- | | | |
|----|---------------------|--|
| 1. | Call to Order | Committee Chairperson |
| 2. | Monthly Updates | Executive VP,
Finance & Procurement |
| 3. | Committee Work Plan | Executive VP,
Finance & Procurement |
| 4. | Other Business | Executive VP,
Finance & Procurement |
| 5. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Special Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Tuesday, August 25, 2020 at 1:00 p.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dewater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|----|--|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | July 2020 Financial Report | Director, Budget |
| 3. | Capital Improvement Program Quarterly Report | Director, CIP Infrastructure Management |
| 4. | FY 2020 Net Cash Position Update | CFO and EVP Finance & Procurement |
| 5. | Action Items | CFO and EVP Finance & Procurement |
| 6. | Agenda for September 2020 Committee Meeting | Committee Chairperson |
| 7. | Adjournment | Committee Chairperson |

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

Application No. 20227 of Andrew Lewczyk, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, and pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle D § 304.1, to construct a second-story rear deck to an existing, attached principal dwelling unit in the R-3 Zone at premises 227 Douglas Street N.E. (Square 3553, Lot 97).

HEARING DATE: June 24, 2020¹
DECISION DATE: July 1, 2020

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 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") 5E.

ANC Report. The ANC did not submit a written report.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 32.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 27.)

Persons in Support. The Board received one letter in support to the application. (Exhibit 28.)

¹ This application was originally scheduled for public hearing on March 25, 2020 but was rescheduled for a virtual public hearing on June 24, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

Persons in Opposition. The Board received one letter in opposition to the application. (Exhibit 33.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the lot occupancy requirements of Subtitle D § 304.1, to construct a second-story rear deck to an existing, attached principal dwelling unit 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 under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to construct a second-story rear deck to an existing, attached principal dwelling unit 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 PLANS** at **EXHIBIT 7**.

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.

BZA APPLICATION NO. 20227

PAGE NO. 2

FINAL DATE OF ORDER: July 8, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BZA APPLICATION NO. 20227
PAGE NO. 3**

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

Application No. 20256 of 3905 Kansas LLC as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the RF-use requirements of Subtitle U § 320.2, including a waiver of the rooftop architectural element requirement of Subtitle U § 320.2(h), and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to permit the conversion of an existing semi-detached principal dwelling into a three-unit apartment house in the RF-1 Zone at premises 3905 Kansas Avenue N.W. (Square 2906, Lot 830).

HEARING DATE: July 15, 2020¹
DECISION DATE: August 5, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 37 (Final Revised); Exhibit 12 (Revised); Exhibit 6 (Original).)²

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 8, 2020, at which a quorum was present, the ANC voted to support the application subject to conditions dealing with the development and construction, solar panels, environmental impacts, and affordable housing. (Exhibit 58.) The Board did not adopt the conditions as part of this order, as the provisions were either outside the Board's jurisdiction, unrelated to the specific relief requested, or already included in the Applicant's proposal. The Board notes, however, that the Applicant has agreed to abide by the ANC's conditions.

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 The original application was amended to special exception relief from the parking requirements of Subtitle C § 701.5.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 48.)

DDOT Report. The District Department of Transportation (“DDOT”) submitted a report indicating that it had no objection to the application, subject to conditions. (Exhibit 38.) DDOT recommended the Board adopt two conditions related to transportation demand management (“TDM”), as proposed by the Applicant. The Board did not adopt the conditions, but they were agreed to by the Applicant.

Persons in Support. Camilla Do testified in support of the application.

Persons in Opposition. The Board received a letter in opposition from a neighbor at 3820 10th Street NW. (Exhibit 33.) A neighbor, Jon Zubiller, testified in opposition to the application.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the RF-use requirements of Subtitle U § 320.2, including a waiver of the rooftop architectural element requirement of Subtitle U § 320.2(h), and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to permit the conversion of an existing semi-detached principal dwelling into a three-unit apartment house in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED**, subject to the TDM plan approved by DDOT and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS³** at **EXHIBIT 65**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Anthony J. Hood to APPROVE; one Board seat vacant.)

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.

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 11, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA APPLICATION NO. 20256

PAGE NO. 3

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

Application No. 20260 of 618 Randolph St NW LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF-use requirements of Subtitle U § 320.2, to permit the conversion of an existing attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone at premises 618 Randolph Street, N.W. (Square 3233, Lot 99).

HEARING DATE: July 29, 2020¹
DECISION DATE: August 5, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 8, 2020 at which a quorum was present, the ANC voted to support the application with conditions. (Exhibit 36.) The ANC recommended conditions on a number of matters involving contact with the Applicant, various assessments, inspections, certifications, and limits on construction, as well as matters related to the environment, safety, and affordable housing contributions. The Board did not adopt the proposed conditions, finding that they are outside of the Board's scope of review.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 27.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 26.)

¹ This application was originally scheduled for public hearing on April 29, 2020 but was rescheduled for a virtual public hearing on July 29, 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.

Persons in Opposition. One letter in opposition to the application was filed into the record. (Exhibit 35.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the RF-use requirements of Subtitle U § 320.2, to permit the conversion of an existing attached principal dwelling unit into a three-unit apartment house in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED** and pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS²** at **EXHIBIT 8 – ARCHITECTURAL PLANS & ELEVATIONS** and subject to the following **CONDITION**:

1. **Prior to the issuance of any building permit authorized by this Order**, the Applicant shall obtain the issuance of a building permit for 616 Randolph Street, N.W. to extend the chimney or otherwise comply with the requirements of Subtitle U § 320.2(f).

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: August 11, 2020

² In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA APPLICATION NO. 20260

PAGE NO. 3

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

Application No. 20265 of Michael Zgoda, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5 and under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1(c), and pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the lot dimension requirements of Subtitle E § 201.1, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to construct an attached principal dwelling unit in the RF-1 Zone at premises 401-403 Richardson Place, N.W. (Square 507, Lots 81-82).

HEARING DATE: July 29, 2020¹
DECISION DATE: August 5, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 26 (Revised); Exhibit 3 (Original))².)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 16, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 46.)

OP Report. The Office of Planning submitted a report, dated May 1, 2020, recommending approval of the application. (Exhibit 43.)

¹This application was originally scheduled for public hearing on April 29, 2020 but was rescheduled for a virtual public hearing on July 29, 2020, based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

² The application was amended to add special exception relief from minimum parking requirements of Subtitle C § 701.5 and penthouse setback requirements of Subtitle C § 1502.1(c).

DDOT Report. The District Department of Transportation submitted reports, dated April 17, 2020 and April 28, 2020, indicating that it had no objection to the application. (Exhibits 24 and 42.)

Persons in Support. The Board received 12 letters in support of the application. (Exhibits 30-40 and 44.)

Variance Relief

The Applicant seeks relief under Subtitle X § 1002.1 for variances from the lot dimension requirements of Subtitle E § 201.1, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5 and under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1(c)..

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 **EXHIBITS 5 AND 41**.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: August 7, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT

³Self-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.

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.

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