

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public oversight roundtable on “Unemployment Insurance Programs in the District During the COVID-19 Pandemic”
- The Mayor of the District of Columbia orders the display of the United States of America and the District of Columbia flags in honor of Former D.C. Shadow Senator Florence Pendleton (Mayor’s Order 2020-096)
- Department of Behavioral Health announces availability of funding for the District of Columbia Opioid Response (DCOR2) Grant Opportunities
- Department of Energy and Environment announces availability of the Interim Record of Decision for the Anacostia River Sediment Project (ARSP) for review beginning on September 30, 2020
- Department of Housing and Community Development releases the list of organizations to receive awards from the Nonprofit Capacity Support Grant
- D.C. Public Library updates the rules of conduct for library customers
- District Department of Transportation reduces the speed limit throughout the District to twenty (20) miles per hour unless otherwise posted to help achieve the goal of zero fatalities
- District Department of Transportation prohibits parking of shared motor-driven cycles on public sidewalks
- District Department of Transportation requires a shared motor-driven cycle company to obtain a public right-of-way occupancy permit prior to operating in the public right-of-way

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

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MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**NOTICE OF INTENT TO ACT ON NEW LEGISLATION**

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than 15 days. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004, Telephone: 724-8050 or online at <http://www.dccouncil.us>.

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**COUNCIL OF THE DISTRICT OF COLUMBIA****PROPOSED LEGISLATION**

B23-0888 Pull Out Leftover and Excess Structures Act of 2020

Intro. 09-18-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development with comments from the Committee on Transportation and the Environment

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B23-0889 Harold "Ike" Foster Way Designation Act of 2020

Intro. 09-18-2020 by Councilmember T. White and referred to the Committee of the Whole

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B23-0890 Prescription Drug Monitoring Program Query Amendment Act of 2020

Intro. 09-18-2020 by Chairman Mendelson and referred to the Committee on Health

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PR23-0937 Chief of the Fire and Emergency Medical Services Department John Donnelly Resolution of 2020

Intro. 09-18-2020 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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PR23-0945 Virtual Meeting Rules Amendment Resolution of 2020

Intro. 09-21-2020 by Chairman Mendelson and referred to the Retained by the Council

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**PR 23-694, "Commission on the Arts and Humanities Dr. Heran Sereke-Brhan  
Confirmation Resolution of 2020"**

on

**Thursday, October 8, 2020 at 4:00 p.m. (or immediately following the preceding hearing)**

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

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on PR 23-694, "Commission on the Arts and Humanities Dr. Heran Sereke-Brhan Confirmation Resolution of 2020." The hearing will be held **Thursday, October 8, 2020, 4:30 p.m.** (or immediately following the preceding hearing) via Zoom video conference. **This hearing notice has been revised to reflect new procedures and a new date; the original hearing date of April 7, 2020 was postponed.**

The stated purpose of **PR 23-694** is to confirm the appointment of Dr. Heran Sereke-Brhan as the Executive Director of the Commission on the Arts and Humanities. Dr. Sereke-Brhan has been nominated by the Commission on the Arts and Humanities. The Commission is an independent agency that consists of 18 members. Its role is to evaluate and initiate action on matters relating to the arts and humanities and to encourage programs that promote progress in the arts and humanities. Dr. Sereke-Brhan has been serving in an acting capacity since early October 2019.

Those who wish to testify must email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash, Committee and Legislative Director, at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by the close of business **Tuesday, October 6, 2020**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Due to the COVID-19 public health emergency declaration, the roundtable will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Because of this, written or transcribed testimony from the public is **highly encouraged** and will be taken by email or voice mail. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or may be left by voice mail (up to 3 minutes) – **which will be transcribed** – by calling (202) 430-6948. Testimony received by close of business on **Tuesday, October 6, 2020** will be posted publicly to <http://www.chairmanmendelson.com/circulation> prior to the hearing. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. This hearing will be limited to one hour. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 22, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**Unemployment Insurance Programs in the District During the COVID-19 Pandemic**

**Monday, October 26, 2020, 10:00 am**

**Virtual roundtable via Zoom  
Broadcast on DC Cable Channel 13 and online at [www.dccouncil.us](http://www.dccouncil.us)**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public oversight roundtable before the Committee on the District's unemployment compensation program during the COVID-19 pandemic. The focus of the roundtable will be the performance of District government in implementing new programs created by Congress to expand eligibility for benefits, processing claims, modernizing the information technology (IT) system, and educating the public about the availability and requirements of the various programs.

Witnesses may use their phone or computer to participate in this virtual roundtable. Those who wish to testify must sign up no later than 5:00 p.m. on Thursday, October 22, 2020 by providing their information using the form available at: <https://forms.gle/hDpzd6XgUZixvbmw6>. Witnesses must provide their name, email address, telephone number, organizational affiliation (if any), and job title (if any), as well whether they require language interpretation or sign language interpretation. Witnesses who require language interpretation or sign language interpretation are requested to email the Labor Committee at [labor@dccouncil.us](mailto:labor@dccouncil.us) as soon as possible, but no later than 5:00 p.m. on Friday, October 16, 2020, stating their need for interpretation and requested language. The Council's Office of the Secretary will fulfill timely requests for language interpretation services; however, requests received later than October 16 may not be able to be fulfilled due to vendor availability.

The Committee will email witnesses who have signed up by 5:00 p.m. on Friday, October 23, to provide them with details about how to participate in the roundtable via the Zoom platform. Only witnesses who have signed up by the deadline will be permitted to participate. Those wishing to testify are encouraged to submit an electronic copy of written testimony by 12:00 p.m. on Friday, October 23, 2020, so that staff may distribute testimonies to Committee members and staff in advance. Witnesses representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there is a large number of witnesses.

If anyone is unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to [labor@dccouncil.us](mailto:labor@dccouncil.us). Additionally, the public may provide testimony by voice mail by calling (202) 455-0153, stating

and spelling the witness's name, stating any organizational affiliation, and speaking slowly to provide a statement to be transcribed and included in the record. The record will close at 5:00 p.m. on Monday, November 9, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE**

on

**PR 23-723, Not-For-Profit Hospital Corporation Board of Directors Millicent Gorham  
Reappointment Resolution of 2020**

**PR 23-724, Board of Directors of the Tobacco Settlement Financing Corporation Angela D. Joyner  
Appointment Resolution of 2020**

on

**Thursday, October 8, 2020 at 4:30 p.m. (or immediately following the preceding hearing)**

**Live via Zoom Video Conference Broadcast  
Council Channel 13 (Cable Television Providers)  
DC Council Website ([www.dccouncil.us](http://www.dccouncil.us))**

Council Chairman Phil Mendelson announces the scheduling of a public roundtable of the Committee of Whole on PR 23-723, the “Not-For-Profit Hospital Corporation Board of Directors Millicent Gorham Reappointment Resolution of 2020” and PR 23-724, the “Board of Directors of the Tobacco Settlement Financing Corporation Angela D. Joyner Appointment Resolution of 2020.” The roundtable will be held **Thursday, October 8, 2020, 4:30 p.m.** (or immediately following the preceding hearing) via Zoom video conference.

The stated purpose of **PR 23-723** is to reappoint Millicent Gorham to the Not-For-Profit Hospital Corporation Board of Directors for a 3-year term. The Not-For-Profit Hospital Corporation operates the United Medical Center hospital in Ward 8. The mission of the Not-For-Profit Hospital Corporation is dedicated to the health and well-being of individuals and communities entrusted in its care.

The stated purpose of **PR 23-724** is to appoint Angela D. Joyner to the Board of Directors for the Tobacco Settlement Financing Corporation for a 4-year term. The Board is an independent agency of the District government composed of three members. The purpose of the Board is to invest funds deposited into the Tobacco Settlement Trust Fund from the settlement between the District and tobacco manufacturers.

Those who wish to testify must email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Blaine Stum, Legislative Policy Advisor, at (202) 724-8092, and to provide your name, address, telephone number, organizational affiliation and title (if any) by the close of business **Tuesday, October 6, 2020**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Due to the COVID-19 public health emergency declaration, the roundtable will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Because of this, written or transcribed testimony from the public is highly encouraged and will be taken by email or voice mail. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or may be left by voice mail (up to 3 minutes) – which will be transcribed – by calling (202) 430-6948. Testimony received by close of business on Tuesday, October 6, 2020 will be posted publicly to <http://www.chairmanmendelson.com/circulation> prior to the roundtable. If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. This roundtable will be limited to one hour.

Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 22, 2020.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON GOVERNMENT OPERATIONS  
NOTICE OF PUBLIC ROUNDTABLE**  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**COUNCILMEMBER BRANDON T. TODD  
COMMITTEE ON GOVERNMENT OPERATIONS**

**ANNOUNCES A PUBLIC ROUNDTABLE ON:**

**PR23-759 - Commission on Human Rights Brian Griffey Confirmation Resolution of 2020**

**Friday, October 16, 2020**

**9:00 a.m.**

**Virtual hearing via Zoom**

**Broadcast on DC Cable Channel 13 and online at [www.dccouncil.us](http://www.dccouncil.us)**

Councilmember Brandon T. Todd announces a Public Roundtable to be held on Friday, October 16, 2020 at 9:00 a.m., via Zoom.

**PR23-759, the “Commission on Human Rights Brian Griffey Confirmation Resolution of 2020”** would confirm the reappointment of Brian Griffey as a member of the Commission on Human Rights, to serve a term ending December 31, 2022.

Persons wishing to provide oral testimony should contact Dolly Turner, Deputy Chief of Staff, by e-mail at [dturner@dccouncil.us](mailto:dturner@dccouncil.us) before 9:00 a.m. on Wednesday, October 14, 2020. When sending an e-mail or leaving a voicemail, please provide Ms. Turner with the following information:

- Your first and last name;
- The name of the organization you are representing (if any);
- Your title with the organization;
- Your e-mail address;
- Your phone number; and
- The specific bill/s you will be testifying about.

Ms. Turner will e-mail a confirmation of your attendance with an agenda, witness list, and attached instructions for accessing the Zoom video conference hearing by 5:00 p.m. on October 15, 2020. Oral testimony will be strictly limited to three minutes to allow everyone an opportunity to testify. Due to technological limitations during the COVID-19 pandemic, only the



first six hours of the hearing will be broadcasted, however, the Zoom hearing will continue until all witnesses who have signed up have had an opportunity to testify.

Persons wishing to provide written testimony should e-mail their written testimony to Dolly Turner, Deputy Chief of Staff, at [dturner@dccouncil.us](mailto:dturner@dccouncil.us) before 5:00 p.m. on Friday, October 23, 2020. Any testimony provided after this time will not be made part of the hearing record. Please indicate that you are submitting testimony for this hearing in the subject line of the email. The Committee also welcomes e-mails commenting on the proposed legislation, however, this correspondence is not included in the official Committee report if it is not labeled as testimony.

For accommodation requests, including spoken language or sign language interpretation, please inform the Committee of the need as soon as possible but no later than five (5) business days before the proceeding. The Council will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

If you have any questions, please contact Manuel Geraldo, Committee Director, by either email or phone. [mgeraldo@dccouncil.us](mailto:mgeraldo@dccouncil.us) or (202) 724-8035

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE

on

**PR 23-932, “Historic Preservation Review Board Dr. Alexandra Jones  
Confirmation Resolution of 2020”**

**PR 23-933, “Historic Preservation Review Board Matthew Bell Confirmation  
Resolution of 2020”**

**PR 23-934, “Historic Preservation Review Board Dr. Sandra Jowers-Barber  
Confirmation Resolution of 2020”**

**PR 23-935, “Historic Preservation Review Board Marnique Heath  
Confirmation Resolution of 2020”**

on

**Thursday, October 8, 2020 at 3:00 p.m.**

**Live via Zoom Video Conference Broadcast  
Council Channel 13 (Cable Television Providers)  
DC Council Website ([www.dccouncil.us](http://www.dccouncil.us))**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on PR 23-932, “Historic Preservation Review Board Dr. Alexandra Jones Confirmation Resolution of 2020;” PR 23-933, “Historic Preservation Review Board Matthew Bell Confirmation Resolution of 2020;” PR 23-934, “Historic Preservation Review Board Dr. Sandra Jowers-Barber Confirmation Resolution of 2020;” and PR 23-935, “Historic Preservation Review Board Marnique Heath Confirmation Resolution of 2020.” The roundtable will be held on **Thursday, October 8, 2020 at 3:00 p.m.** via zoom video conference.

The stated purposes of PR 23-932, PR 23-933, PR 23-934, and PR 23-935, which were introduced at the request of Mayor Muriel Bowser, are to confirm the nominations of Dr. Alexandra Jones as an archaeologist member and Matthew Bell as an architect member, and confirm the re-appointments of Dr. Sandra Jowers-Barber as a historian member and Marnique Heath as an architect member, respectively, to the Historic Preservation Review Board (“Board”). The Board is the official body of advisors appointed by the Mayor to guide the government and public on the preservation of historic buildings and property in the District of Columbia. The Board also assists with the implementation of federal preservation programs and the review of federal projects in the District. The purpose of this roundtable is to receive testimony from the nominees and public witnesses as to the fitness of these nominees for service on the Board.

Those who wish to testify must email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Julia Koster, Senior Planning Advisor, at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by the close of business **Tuesday, October 6, 2020**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill

timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled.

Due to the COVID-19 public health emergency declaration, the roundtable will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Because of this, written or transcribed testimony from the public is **highly encouraged** and will be taken by email or voice mail. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or may be left by voice mail (up to 3 minutes) – **which will be transcribed** – by calling (202) 430-6948. Testimony received by close of business on **Tuesday, October 6, 2020** will be posted publicly to <http://www.chairmanmendelson.com/circulation> prior to the hearing. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. This hearing will be limited to one hour. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 22, 2020.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/25/2020

Notice is hereby given that:

License Number: ABRA-074927

License Class/Type: B / Retail - Grocery

Applicant: Mochi, Inc.

Trade Name: DC Supermarket

ANC: 6A02

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

539 8TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
11/30/2020

A HEARING WILL BE HELD ON:  
12/14/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	7 am - 11 pm
Monday:	7 am - 11 pm	7 am - 11 pm
Tuesday:	7am - 11 pm	7 am - 11 pm
Wednesday:	7 am - 11pm	7 am - 11 pm
Thursday:	7 am - 11 pm	7 am - 11 pm
Friday:	7 am - 11 pm	7 am - 11 pm
Saturday:	7 am - 11 pm	7 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/25/2020

Notice is hereby given that:

License Number: ABRA-014926

License Class/Type: B / Retail - Grocery

Applicant: Vace Inc

Trade Name: Vace Italian Deli

ANC: 3C04

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

3315 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
11/30/2020

A HEARING WILL BE HELD ON:  
12/14/2020

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 - 9 pm	9 am - 9 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 9 pm	9 am - 9 pm
Saturday:	9 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/25/2020

Notice is hereby given that:

License Number: ABRA-105990

License Class/Type: B / Retail - Class B

Applicant: Wineandbutter, LLC

Trade Name: wine and butter

ANC: 6B05

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

1023 EAST CAPITOL ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
11/30/2020

A HEARING WILL BE HELD ON:  
12/14/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	9 am - 10 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	7 am - 10 pm	9 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
9/25/2020

Notice is hereby given that:

License Number: ABRA-113371

License Class/Type: B / Retail - Full Service  
Grocery

Applicant: UpMarket Van Ness, LLC

Trade Name: Uptown Market

ANC: 3F04

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

4465 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
11/30/2020

A HEARING WILL BE HELD ON:  
12/14/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	10 am - 11 pm
Monday:	7 am - 12 am	11 am - 11 pm
Tuesday:	7 am - 12 am	11 am - 11 pm
Wednesday:	7 am - 12 am	11 am - 11 pm
Thursday:	7 am - 12 am	11 am - 11 pm
Friday:	7 am - 12 am	11 am - 11 pm
Saturday:	7 am - 12 am	10 am - 11 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 25, 2020
Protest Petition Deadline: November 30, 2020
Roll Call Hearing Date: December 14, 2020
Protest Hearing Date: February 24, 2021

License No.: ABRA-116723
Licensee: Kura Sushi USA, Inc.
Trade Name: Kura Revolving Sushi Bar
License Class: Retailer's Class "D" Restaurant
Address: 614 H Street, N.W. Suite #100
Contact: Louie Cano: (844) 310-2266, ext. 101

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on December 14, 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 February 24, 2021 at 1:30 p.m.

NATURE OF OPERATION

The Establishment will be a Sushi restaurant serving authentic Japanese food. Seating Capacity of 66 inside and a Total Occupancy Load of 75.

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

Sunday 11am - 11pm, Monday through Thursday 11:30am - 11pm, Friday and Saturday 11am - 11:30pm



## DEPARTMENT OF HEALTH

## STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

NOTICE OF INFORMATION HEARING

Pursuant to D.C. Official Code § 44-406(b) (4), the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold an information hearing on Maryland Healthcare Services, Inc. d/b/a Revival Homecare Agency, DC (Certificate of Need Registration No. 20-3-4) for the Proposed Transfer of Effective Control of ASHCNC Enterprises, LLC.

The hearing will be held on Thursday, October 8, 2020, beginning at 10:00 a.m. using Webex Conferencing. **Please send an email to [dana.mitchener@dc.gov](mailto:dana.mitchener@dc.gov) to register for the information hearing.**

The hearing will include a presentation by the Applicant, describing its plans and addressing the certifications required pursuant to D.C. Official Code § 44-406(b) (1). The hearing also includes an opportunity for affected/interested persons to testify. Persons who wish to testify should contact the SHPDA at (202) 442-5875 before 4:45 p.m. on Wednesday, October 7, 2020. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes. Written statements may be submitted to:

The State Health Planning and Development Agency  
899 North Capitol Street, N.E.  
Sixth Floor  
Washington, D.C. 20002

Written statements must be received before the record closes at 4:45 p.m. on Thursday, October 15, 2020. Persons who would like to review the Certificate of Need application or who have questions relative to the hearing may contact the SHPDA on (202) 442-5875.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, OCTOBER 14, 2020  
Virtual Hearing via WebEx**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD ONE**

20264            **Application of Sledmere LLC**, pursuant to 11 DCMR Subtitle X,  
ANC 1B           Chapters 9, for special exceptions under Subtitle E § 5201 from the  
rear addition requirements of Subtitle E § 205.5, to construct a three-  
story rear addition to an existing attached principal dwelling unit and  
convert it into a flat in the RF-1 Zone at premises 1952 2nd Street,  
N.W. (Square 3087, Lot 818).

**WARD EIGHT**

20292            **Appeal of ANC 8A**, pursuant to 11 DCMR Subtitle Y § 302, from the  
ANC 8A           decision made on February 6, 2020 by the Department of Consumer  
and Regulatory Affairs, that determined the construction on the  
property is compliant with the approved plans in the RA-2 at premises  
1401 22nd Street, S.E. (Square 4556, Lot 66).

**PLEASE NOTE:**

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

BZA PUBLIC HEARING NOTICE  
OCTOBER 14, 2020  
PAGE NO. 2

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov). Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

**Do you need assistance to participate?**

*\*Note that party status is not permitted in Foreign Missions cases.*

**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)。这些是免费提供的服务。

French

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

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

BZA PUBLIC HEARING NOTICE  
OCTOBER 14, 2020  
PAGE NO. 3

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**FREDERICK L. HILL, CHAIRPERSON**  
**LORNA L. JOHN, VICE-CHAIRPERSON**  
**VACANT, MEMBER**  
**CHRISHAUN SMITH, MEMBER,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

**TIME AND PLACE:** **Monday, November 9, 2020, @ 4:00 p.m.**  
**WebEx or Telephone – Instructions will be provided on  
the OZ website by Noon of the Hearing Date<sup>1</sup>**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 66-68A (Enterprise Community Development, Inc. – Modification of Significance for the Large Scale Planned Development for Edgewood Commons)**

**THIS CASE IS OF INTEREST TO ANC 5E**

Enterprise Community Development, Inc. (the “Applicant”) filed an application (the “Application”) on April 24, 2020, pursuant to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve a Modification of Significance to Z.C. Order No. 66-68, as modified by BZA Order Nos. 10355 and 11459, (collectively, the “Original Order”) that approved a Large Scale Planned Development (the “Approved LSPD”), with a related Zoning Map amendment to the R-5-C Zone District (now the RA-4 zone) for Lots 2, 5, 803, 805, 807, & 810 – 813 in Square 3630 (the “Property”).

**The Property**

The Property is a triangular parcel on the south side of Edgewood Street NE between 4<sup>th</sup> and 7<sup>th</sup> Streets, N.E. with a land area of approximately 650,383 square feet (14.9 acres) and known as Edgewood Commons. The Property is located in Ward 5, within the Edgewood Neighborhood.

The Comprehensive Plan designates the Property as:

- Neighborhood Conservation Area on the Generalized Policy Map;
- High Density Residential category on the Future Land Use Map; and
- Subject to the Upper Northwest Area Element.

**Prior Approval – The Approved LSPD**

The Approved LSPD authorized multiple buildings consisting of

- 1,257,690 sf of gross floor area (“GFA”), with a 1.93 floor area ratio (“FAR”);
- Lot occupancy of 25.45%;
- A total of 1153 residential units, of which at least 500 units dedicated for low-income residents;
- Up to 35,000 square feet of community service facilities, with 24,533 sf of commercial/community space in Section 1, including 4,000 square feet of daycare; and
- 554 parking spaces.

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<sup>1</sup> Anyone who wishes to participate in this case but cannot do so via WebEx or telephone may submit written comments to the record (see p. 3, *How to participate as a witness – written statements*).

The Applicant constructed the Approved LSPD in 1976 to include seven buildings with

- Approximately 814, 932 square feet of GFA with a FAR of 1.25;
- Lot occupancy of 23.28%;
- 792 residential units, all of which are affordable, with:
  - 200 restricted to seniors at less than 50% of the Median Family Income; and
  - 592 restricted to households with incomes restricted by LITEC or Project-Based Rental Assistance programs; and
- 423 parking spaces.

### **The Application**

The Application proposed to construct a 90-foot tall building on the Property (the “Building”) on Lot 812 (the “Building Site”) with:

- Approximately 150,156 square feet of GFA with a FAR of 3.44 for the Building Site;
- A lot occupancy of 41% for the Building Site;
- 151 all-affordable age-restricted apartment units for seniors;
- An approximately 7,000 square foot adult daycare center on the ground floor with a capacity for 60 seniors; and
- Environmental features that satisfy Enterprise Green Communities standards, roughly equivalent to the LEED v.4 Silver standard, as well as:
  - Green roof features; and
  - 3,000 square feet of rooftop solar panels.

The Application requests flexibility from the specifics shown on the plans, including 10% +/- in the number of residential units and parking spaces, exterior materials and details, and layout of the interior, garage, and roof, provided that no additional relief is required and the green roof and solar panels are not reduced.

With the Building, the resulting development on the Property will contain:

- Eight buildings providing 943 residential units;
- Approximately 965,088 square feet of GFA, with a total FAR of 1.48; and
- Lot occupancy of 26%.

The Application requested flexibility for two special exceptions:

- To reduce the required 51 full long-term bicycle parking spaces to 28 (Subtitle C § 802.1); and
- To allow more than 25 individuals at the adult daycare center (Subtitle U § 203.1).

### **Responses to the Application**

The Office of Planning filed a June 19, 2020, report (the “OP Report”) that:

- Concluded that the Application appeared to comply with the development parameters of Approved LSPD in terms of height, FAR, parking, affordability and uses, and was also not inconsistent with the Comprehensive Plan; and
- Supported the Application’s requested flexibility from the daytime care and bicycle parking requirements.

At its June 29, 2020, public meeting, the Commission voted to set down the Application for a public hearing.

The Applicant provided its prehearing statement with updated plans (Ex. 14) on September 2, 2020.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4, which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on July 30, 2020, in Z.C. Case No. 20-11.

**How to participate as a witness – oral presentation**

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ’s website at or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |                                  |                         |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition            | 60 minutes collectively |
| 3. | Organizations                    | 5 minutes each          |
| 4. | Individuals                      | 3 minutes each          |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

**How to participate as a witness – written statements**

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

**How to participate as a party.**

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at [dcoz@dc.gov](mailto:dcoz@dc.gov) or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from OZ at the address stated below.

**“Great weight” to written report of ANC**

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

**FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿Necesita ayuda para participar?** Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

**Avez-vous besoin d'assistance pour pouvoir participer?** Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.



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

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከሰብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

## OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in § 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking and Zoning Commission Order No. 19-14, issued by the Zoning Commission of the District of Columbia and published in the *D.C. Register* on July 3, 2020, at 67 DCR 8068, *et seq.*

The final rulemaking amended Subtitles C (General Rules), D (Residential House (R) Zones), E (Residential Flats (RF) Zones), F (Residential Apartment (RA) Zones), and X (General Procedures) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

Among other changes, the final rulemaking revised Subtitle D §§ 306.4, 706.4, 1006.3, and 1206.4 and Subtitle E § 205.5 to clarify the applicable specific special exception criteria. The final rulemaking included erroneous references to Subtitle U § 5201, which does not exist, instead of to Subtitle D § 5201 or Subtitle E § 5201, as applicable.

Therefore, the final rulemaking is corrected to amend Subtitle D §§ 306.4, 706.4, 1006.3, and 1206.4 and Subtitle E § 205.5 to read as follows (the corrections to the final rulemaking are made below, with additions are shown in **bold and underline** text; deletions are shown in **~~bold and strikethrough~~** text):

**I. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES**

**Subsection 306.4 of § 306, REAR YARD, of Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended by correcting the cross-reference to read as follows:**

306.4           A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle ~~U~~ **D** § 5201 if applicable.

**Subsection 706.4 of § 706, REAR YARD, of Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended by correcting the cross-reference to read as follows:**

706.4           A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle ~~U~~ **D** § 5201 if applicable.

**Subsection 1006.3 of § 1006, REAR YARD, of Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – R-17, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended by correcting the cross-reference to read as follows:**

1006.3 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle ~~U~~ **D** § 5201 if applicable.

**Subsection 1206.4 of § 1206, REAR YARD, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended by correcting the cross-reference to read as follows:**

1206.4 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle ~~U~~ **D** § 5201 if applicable.

## **II. Amendments to Subtitle E, RESIDENTIAL FLAT (RF) ZONES**

**Subsection 205.5 of § 205, REAR YARD, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended by correcting the cross-reference as follows:**

205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle ~~U~~ **E** § 5201 if applicable.

These corrections by this Errata Notice to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of the Notice of Final Rulemaking of July 3, 2020.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq. Administrator, Office of Documents & Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520S, Washington, D.C. 20001, email at [victor.reid@dc.gov](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.

## OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in § 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking and Zoning Commission Order No. 08-06P, issued by the Zoning Commission of the District of Columbia and published in the *D.C. Register* on October 26, 2018, at 65 DCR 11927, *et seq.*

The final rulemaking amended Subtitles C (General Rules), J (Production, Distribution, and Repair (PDR) Zones), K (Special Purpose Zones), U (Use Permissions), X (General Procedures), and Y (Board of Zoning Adjustment Rules of Practice of Procedure) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

Among other changes, the final rulemaking revised Subtitle K § 512.3 to correct the spelling of “Capital” to “Capitol,” but erroneously replaced paragraph (b) instead of paragraph (a), with the result that the intended technical correction was not made and that paragraph (b) was inadvertently replaced.

The final rulemaking therefore is corrected to amend Subtitle K § 512.3 to read as follows (the corrections to the final rulemaking are made below, with additions are shown in **bold and underline**; deletions are shown in ~~**bold and strikethrough**~~):

**Amendments to Subtitle K, SPECIAL PURPOSE ZONES**

**Subsection 512.3 of § 512, ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (CG), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, is amended by correcting the cross-reference to read as follows:**

- 512.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:
- (a) Help achieve the objectives of the ~~Capital~~ **Capitol** Gateway defined in Subtitle K § 500.1;
  - (b) Help achieve the ~~objectives of the Capital Gateway defined in Subtitle K § 500.1~~ **desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;**

(c) Be in context with the surrounding neighborhood and ...<sup>1</sup>

These corrections by this Errata Notice to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of the Notice of Final Rulemaking of October 26, 2018.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq. Administrator, Office of Documents & Administrative Issuances, 441 4<sup>th</sup> Street, N.W., Suite 520S, Washington, D.C. 20001, email at [victor.reid@dc.gov](mailto:victor.reid@dc.gov), or via telephone at (202) 727-5090.

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<sup>1</sup> The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2018 Repl.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2018 Repl.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2018 Repl.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; D.C. Official Code § 39-105 (2018 Repl.)); hereby gives notice of the adoption of amendments to Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

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

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2018 Repl.), to establish rules and manage the day-to-day operations of the library. On July 22, 2020, the Board of Trustees approved the proposed new amendment(s) to replace the current DCPL regulations regarding behavior rules governing the use of the District of Columbia Public Library. The Notice of Proposed Rulemaking was published in the *D.C. Register* on August 14, 2020 at 67 DCR 9748. The rules were adopted as final on September 16, 2020. The rules shall become effective upon publication of this notice in the *D.C. Register*.

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

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

810.1 INTRODUCTION

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

protect the rights and safety of staff members and (3) to protect the library’s materials, facilities and property.

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

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

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

810.2 DEFINITIONS AND SCOPE

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

810.3 ENFORCEMENT

Library staff, Library Police, and/or Metropolitan Police Department (MPD) officers may intervene to stop prohibited activities and behaviors. A violation of law may result in arrest and prosecution. Failure to comply with these rules may result in issuance of a Notice of Barring from Library property for a period of one day to five years. If a Notice of Barring is issued, it applies to all DCPL locations and includes the suspension of DCPL privileges, including but not limited to the use of DCPL computers and other equipment. If barred, customers may have their photographs or video captured by D.C. Public Library staff to enforce the bar.

810.4 ADMINISTRATIVE REVIEW OF NOTICES OF BARRING

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

Director of Public Safety

Martin Luther King Jr. Memorial Library  
 901 G Street NW  
 Washington, DC 20001

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

810.5 REASONABLE ACCOMMODATION

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

810.6 BEHAVIOR RULES

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

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

Age	Initial	2nd Violation (within 30 days)	3rd Violation (within 30 days)	4th time (within 30 days)
9+	Leave library until problem corrected	1 week	1 month	3 months
0-8	Warning and referral to caregiver.			

- (1) Being on DCPL premises with bare feet or a bare chest; shirts and footwear are required at all times.
- (2) Being under the obvious influence of any controlled substance or intoxicating beverage.



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

Age	Initial	2nd Violation (Within 6 months)	3rd Violation (Within 6 months)	4th Violation (Within 6 months)
18+	warning	3 months	6 months	1 year

13-17	warning	1 month	3 months	6 months
9-12	warning	1 week	2 weeks	1 month
0-8	Warning, referral to caregiver and/or Library Police or MPD.			

- (2) Using someone else’s library card to obtain library services, including public computer use, is prohibited. Each customer must use their own library card and these cards are non-transferrable; loaning your library card to another person is prohibited. Library cards used in violation of this rule will be blocked after a warning.
- (3) Placing items or personal belongings on or against buildings, furniture, equipment or fixtures in a manner that interferes with library staff or customer use of the library, or leaving personal belongings unattended.
- (4) Bringing bicycles, or other similar items inside library buildings, including, but not limited to, vestibules or covered doorways. Operating bicycles or other similar items in a reckless or inattentive manner on library premises.
- (5) Operating roller skates, skateboards, hoverboards, or other similar items in, or on, library premises.
- (6) Bringing animals inside library buildings (with the exception of service animals), except as allowed at a library- approved event, or leaving an animal tethered and unattended on library premises.
- (7) Improperly using library restrooms, including, but not limited to, bathing, shaving, washing hair, and exceeding more than one person in a restroom stall (unless accompanying children or adults in need of assistance).
- (8) Leaving one or more children eight (8) years old or under, who reasonably appear to be unsupervised or unattended, anywhere in or on library premises. [Please see Unattended Children Policy]
- (9) Customers thirteen (13) years of age and older are prohibited from using the children’s area, unless accompanying a child twelve (12) years old or younger or selecting an item from the collection.

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

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

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

- (1) Engaging in conduct that disrupts or interferes with the normal operation of the library, or disturbs library staff or customers, including but not limited to, the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior or

talking. This includes all forms of harassment, including sexual harassment. Some infractions may be moved to Category Four if deemed necessary.

- (2) Engaging in bullying as defined by the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; 59 DCR 7820 (June 29, 2012)).
  - (3) Misuse of any library property in a destructive, abusive or potentially damaging manner; or in a manner likely to cause personal injury to themselves or others.
  - (4) Failure to comply with the reasonable direction of a library staff member or law enforcement officer.
  - (5) Smoking or other use of tobacco products, including electronic cigarettes, in the library or on library property.
  - (6) Violating the library’s *Computer Use Guidelines*.
  - (7) Entering or attempting to enter DCPL premises while barred (*i.e.*, trespassing). Customers or persons returning to DCPL premises during a period of barring may be arrested and prosecuted for unlawful entry pursuant to D.C. Official Code § 22-3302 (2012 Repl.).
  - (8) Possessing, selling, distributing, or consuming any alcoholic beverage, except as allowed at a library approved event.
- (d) Category Four Rules and Consequences: Any customer who violates category four rules while on library premises will be immediately removed and restricted from all DCPL premises as follows:

Age	Each Incident
18+	1-5 years, based on severity, and the incident will be reported to the appropriate law enforcement agency.
13-17	3 months to 1 year, based on severity, and the incident will be reported to the appropriate law enforcement agency
9-12	1-6 months, based on severity, and the incident will be reported to the appropriate law enforcement agency.
0-8	Warning, referral to caregiver and/or Library Police or MPD.

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

## DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the Department of Transportation, pursuant to the authority in Sections 3, 5(a)(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(a)(3), and 50-921.05 (2014 Repl.)), Sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b) (2014 Repl.)), and Mayor's Order 77-127, dated August 3, 1977, hereby gives notice of the adoption of amendments to Chapter 22 (Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends Chapter 22 of Title 18 DCMR to reduce the speed limit throughout the District of Columbia to twenty (20) miles per hour, unless otherwise posted, to aid the goal of zero fatalities and serious injuries to travelers of the District's transportation system.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 12, 2020, at 67 DCR 7539, with a thirty (30)-day public comment period. (The emergency rule was adopted on June 1, 2020, and became effective immediately.)

DDOT received one (1) public comment, from the Washington Area Bicyclist Association (WABA). WABA expressed support for the rulemaking and stated that reducing speed limits, even by as little as five (5) miles per hour, has, in other cities, resulted in fewer instances of excessive speeding, defined as more than forty (40) miles per hour over the posted speed limit, and in substantial drops in crashes and injuries. WABA also stated that there was a need to educate drivers on this new rule and to alter the right-of-way to encourage compliance with this lower speed limit.

DDOT agrees that public education is key for the safety benefits of this regulatory change to be realized. The District's public outreach and education efforts include not only the posting of signage throughout the District but also coverage of this new speed limit in both local and national media outlets and inclusion in the Department of Motor Vehicles' driver's manual and licensing exam.

DDOT has experimented with different ways to alter the roadway to foster safer driving behaviors; these efforts include but are not limited to increasing the mileage of bus-priority and protected bike lanes, availing curbside space for outdoor dining purposes, and limiting select streets to local traffic only.

DDOT agrees that compliance is essential to realize the benefits of the reduced speed limit and is committed to educating the public and fostering compliance through traffic engineering.

The Director adopted these rules as final on September 11, 2020, and they shall become effective upon publication of this notice in the *D.C. Register*.

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

**Chapter 22, MOVING VIOLATIONS, is amended as follows:**

**Section 2200, SPEED RESTRICTIONS, is amended as follows:**

**Subsection 2200.6 is amended to read as follows:**

2200.6        On all streets and highways, unless otherwise designated in accordance with § 2200.2, the maximum lawful speed shall be twenty miles per hour (20 mph).

## DISTRICT DEPARTMENT OF TRANSPORTATION

**NOTICE OF FINAL RULEMAKING**

The Director of the District Department of Transportation (“DDOT”), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(E), 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(E), 50-921.05(b), and 50-921.06 (2014 Repl. & 2019 Supp.)), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.04 (2013 Repl.)); and Mayor’s Order 18-075, dated October 2, 2018, hereby gives notice of the amendment of Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) of Title 18 (Vehicles and Traffic), and Chapter 33 (Public Right-of-Way Occupancy Permits) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking amends Title 24 to require a shared motor-driven cycle company to obtain a public right-of-way occupancy permit prior to operating in the public right-of-way. The final rulemaking also amends Title 18 to prohibit parking of shared motor-driven cycles on public sidewalks. Lastly, the final rulemaking defines a shared motor driven cycle company and a shared motor-driven cycle.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 27, 2019 at 66 DCR 12806-12808.

DDOT received no public comments in response to the proposed rulemaking and DDOT made no changes to the rules as proposed.

The Director adopted these rules as final on July 30, 2020, and they shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:**

**Section 2405, STOPPING, STANDING, OR PARKING PROHIBITED: NO SIGN REQUIRED, is amended as follows:**

**Subsection 2405.1 (h) is amended as follows:**

- (h) On the sidewalk; provided, that a motor-driven cycle may be parked on the sidewalk if it:
  - (1) Is not a shared motor-driven cycle;
  - (2) Is outside of the Central Business District, as defined by Subsection 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1);



- (3) Is not attached to any tree, tree box, or planting area; and
- (4) Does not block the path of pedestrians and maintains an ADA compliant clearance from any other obstruction, as defined in Section 4.3 of the ADA Accessibility Guidelines;

**Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended to read as follows:**

**A new Section 3316 is added as follows:**

**3316 MOTOR-DRIVEN CYCLE SHARING**

- 3316.1 No person shall use the public right-of-way to offer a shared motor-driven cycle for rental in the public right-of-way without a permit issued by the Director.
- 3316.2 The Director shall issue a Right-of-Way Occupancy Permit only to a shared motor-driven cycle company with a basic business license to operate in the District.

**Section 3399, DEFINITIONS, Subsection 3399.1 is amended as follows:**

**The following definitions are added after the definition of the term “Publicly accessible dockless vehicle sharing system”:**

**Shared motor-driven cycle company** – a company that provides for the rental of shared motor-driven cycles from the public right-of-way for short-term one-way trips.

**Shared motor-driven cycle** - a motor-driven cycle that is available to rent in the public right-of-way for short-term one-way trips through a rental system that is available to the public.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 905 (2014 Repl.)), Section 6 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (2014 Repl.)), Section 7 of An Act to provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1107 (2014 Repl.)), Mayor’s Order 94-176, dated August 2, 1994, and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 4 (Motor Vehicle Title and Registration) and Chapter 6 (Inspection of Motor Vehicles) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rule will revise the calculations for motor vehicle excise taxes. The updated excise tax rates will take into account the fuel efficiency of motor vehicles as mandated by Title V of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code §§ 50–2201.03 *et seq.* (2014 Repl.)). The proposed rule also repeals the requirement that pre-1965 model year motor vehicles be emission tested.

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

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

**Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:**

**Section 401, APPLICATION FOR A CERTIFICATE OF TITLE, is amended as follows:**

**New Subsections 401.19-401.20 are added to read as follows:**

401.19

- (a) Except as set forth in D.C. Official Code § 50-2201.03(j)(1A)(G), effective January 1, 2021, the excise tax rate on motor vehicles shall be as follows based on vehicle weight class and miles per gallon (“mpg”) city driving, rounded down to the nearest whole number:

<u>Weight Class</u>	<u>20 mpg or less</u>	<u>21 mpg- 25 mpg</u>	<u>26 mpg- 30 mpg</u>	<u>31 mpg- 39 mpg</u>	<u>40 mpg or more</u>
3,499 lbs or less	8.1%	4.4%	3.1%	2.2%	1.0%
3,500 lbs-	9.1%	5.4%	4.1%	3.2%	2.0%

4,999 lbs

5,000 lbs	10.1%	6.4%	5.1%	4.2%	3.0%
or more					

(b) Motor vehicles that do not have a separate and distinct mpg for city driving shall be charged the excise fee as set forth in D.C. Official Code § 50-2201.03(j)(1).

401.20 Effective January 1, 2021, the excise tax on a motor vehicle owned by an individual who demonstrates that they claimed and received the District Earned Income Tax Credit for the tax period closest in time (for which a return could be due) to the date the vehicle excise tax is to be levied, shall be the lesser of:

(a) The amount calculated under Subsection 401.19; and

(b) The amount calculated under D.C. Official Code § 50-2201.03(j)(1).

**Chapter 6, INSPECTION OF MOTOR VEHICLES, is amended as follows:**

**Section 601, INSPECTION REQUIREMENTS, is amended as follows:**

**Subsection 601.4(l) is amended by adding the term “pre-1968 model year motor vehicles” after the term “electric engines,” so that it reads as follows:**

(l) All other motor vehicles: every two (2) years; except that autocycles, motorcycles, motor-driven cycles, vehicles weighing twenty-six thousand (26,000) pounds or more, motor vehicles with diesel or electric engines, pre-1968 model year motor vehicles, and trailers do not need to be inspected.

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

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

## RM41-2020-02, IN THE MATTER OF 15 DCMR CHAPTER 41-DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.), hereby gives notice of its intent to amend Chapter 41 (District of Columbia Standard Offer Service Rules), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations, in accordance with Commission Order Nos. 19897 and 20327.<sup>1</sup>

2. In Order No. 19897 which addressed the Commission’s last Biennial Review of Standard Offer Service (SOS) in the District of Columbia, the Commission, *inter alia*, established a pilot program to procure renewable energy through long-term power purchase agreements (PPA) for electricity generated by solar or wind power facilities located within the PJM Interconnection region with a target quantity of five (5) percent of SOS load.<sup>2</sup> In Order No. 20327, the Commission, *inter alia*, adopted the 95/5 Model of cost recovery for the pilot program.<sup>3</sup> Under the 95/5 Model, the long-term renewable energy PPA provides the renewable energy to satisfy five (5) percent of the SOS load including the environmental attributes associated with that renewable energy. Pepco, as the SOS Administrator, would have to procure the remaining components for that five (5) percent – capacity, losses, congestion, credit and risk, the cost of meeting the District’s Renewable Energy Portfolio Standard, and ancillary services – and provisions would have to be made to accommodate the intermittent nature of the renewable energy provided by the PPA since the energy from the PPA will not strictly follow load demand.<sup>4</sup>

3. This NOPR amends Sections 4100-4104, 4106-4108, 4111, and 4199 of the Commission’s SOS rules in order to accommodate the integration of long-term renewable energy PPAs into the District’s SOS procurement portfolio. In addition, this NOPR provides a new Section 4112 governing the procurement of a portion of SOS load through long-term renewable energy PPAs. The procurement of a target quantity of five (5) percent of SOS load through long-term renewable energy power PPA(s) is a pilot project which is still currently under development and delivery of this renewable energy to SOS customers is not anticipated to begin until June 1, 2024.<sup>5</sup> Since this is a pilot project, additional changes to the rules may later be necessary.

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<sup>1</sup> *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia*, Order No. 19897, rel. April 12, 2019 (“Order No. 19897”), and Order No. 20327, rel. April 9, 2020 (“Order No. 20327”).

<sup>2</sup> See Order No. 19897, ¶¶ 1, 11, 33-36.

<sup>3</sup> Order No. 20327, ¶¶ 1, 16-17, 45.

<sup>4</sup> Order No. 20327, ¶ 8.

<sup>5</sup> Order No. 20327, ¶ 1.

**Chapter 41, DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 4100, GENERAL PROVISIONS; SCOPE, APPLICABILITY AND AVAILABILITY OF STANDARD OFFER SERVICE; ELIGIBILITY FOR STANDARD OFFER SERVICE; is amended as follows:**

4100.1 The purpose of this chapter is to set forth the policies and procedures for the implementation of the Standard Offer Service (“SOS”) provisions of the “Retail Electric Competition and Consumer Protection Act of 1999,” as amended, and the “Community Renewable Energy Amendment Act of 2013” (“CREA”).

4100.2 This chapter establishes the Public Service Commission of the District of Columbia (“Commission”) Rules and Regulations governing the provision of SOS, the terms and conditions for wholesale electric power supply procurement for SOS, reporting and monitoring procedures, pricing and true-up procedures, other services, and miscellaneous provisions and reservations. The procurement processes are for Wholesale Full Requirements Services and for a Long-Term Renewable Energy Power Purchase Agreement (“PPA”) or multiple PPAs to meet the SOS retail load. The energy to be procured pursuant to Long-Term Renewable Energy PPA(s) is initially targeted to serve (5) percent of SOS load with delivery expected to begin on June 1, 2024. This chapter shall be cited as the “District of Columbia Standard Offer Service Rules.”

4100.3 This chapter shall be applicable to the SOS Administrator and to retail customers in the Electric Company’s distribution service territory. This chapter also establishes the rules by which the SOS Administrator shall obtain electric supply for SOS and applies to wholesale bidders who compete for the provision of Wholesale Full Requirements Services. In addition, this chapter establishes the rules by which the SOS Administrator shall obtain renewable energy for SOS and will apply to Renewable Energy Generators who compete for the provision of electric supply pursuant to a Long-Term Renewable Energy PPA or multiple PPAs initially targeted to serve five (5) percent of SOS load with delivery expected to begin on June 1, 2024. Finally, this chapter establishes the rules by which the SOS Administrator shall obtain electric supply from Community Renewable Energy Facilities (“CREFs”) as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the CREA. The provisions of this chapter are promulgated pursuant to authority set forth in Sections 34-1509(c), 34-1518.01(i), and 34-1504(c)(7) of the D.C. Official Code.

....

**The title to Section 4101, SELECTION OF WHOLESALE SOS PROVIDERS, is amended to read, SELECTION OF WHOLESALE SOS PROVIDERS OF FULL REQUIREMENTS SERVICE SUPPLY OF SOS AND RENEWABLE ENERGY GENERATORS OF LONG-TERM RENEWABLE ENERGY POWER PURCHASE AGREEMENTS, and the section is amended as follows:**

- 4101.1 The Electric Company shall continue as the SOS Administrator for retail customers in the Electric Company’s distribution service territory until such time as the Commission directs otherwise. If the Commission chooses a new SOS Administrator that is not the Electric Company, any PPA and PPAs that the Electric Company has entered into as the counter-party shall be assigned to the new SOS Administrator and the new SOS Administrator will thereafter serve as the counter-party to the PPA.
- 4101.2 The SOS Administrator shall obtain electric supply for SOS pursuant to a competitive wholesale procurement process for the provision of Wholesale Full Requirements Service supply of SOS as well as pursuant to a competitive procurement process for the provision of Long-Term Renewable Energy PPA supply of SOS (initially targeted to serve five (5) percent of SOS load with delivery expected to begin on June 1, 2024). In addition, pursuant to the CREA, the SOS Administrator is required to purchase the energy associated with the unsubscribed capacity of CREFs. The procurement processes for Wholesale Full Requirements Service and Long-Term Renewable Energy PPA supply of SOS shall solicit all of the electric supply for SOS customers except for the electric supply that is provided through the unsubscribed capacity of CREFs purchased by the SOS Administrator and the additional energy needed to make up for the non-load following nature of the renewable energy procured pursuant to Long-Term Renewable Energy PPAs.
- 4101.3 The SOS Administrator shall submit to the Commission by August 1 of the previous year, specific procurement format, form of request, process, timeline, evaluation process, evaluation criteria, and model contract for Wholesale Full Requirements Service supply of SOS for Commission approval. The SOS Administrator shall coordinate with other jurisdictions to ensure that bidding days for Wholesale Full Requirements Service supply of SOS do not coincide with multiple jurisdictions in the Mid-Atlantic area. The specific procurement format, form of request, process, timeline, evaluation process, evaluation criteria, and model contract for Long-Term Renewable Energy PPA supply of SOS shall be defined by the terms of the Requests For Proposals (“RFPs”) for the Long-Term Renewable Energy PPA or PPAs.
- 4101.4 Subject to the review and approval of the Commission, the SOS Administrator shall solicit for Wholesale Full Requirements Service pursuant to a Wholesale Full Requirements Service Agreement (“WFRSA”) with the Wholesale SOS Providers, which shall include the provision of electric energy, energy losses, generation capacity, ancillary services, and any other PJM- or FERC-approved services associated with the SOS Administrator’s load obligation, except for network

integration transmission service, which will be obtained by the SOS Administrator. Subject to the review and approval of the Commission, the SOS Administrator shall also solicit for renewable energy pursuant to a Long-Term Renewable Energy PPA or PPAs with Renewable Energy Generators. The Wholesale SOS Providers of Wholesale Full Requirements Service supply of SOS selected pursuant to a WFRSA shall be responsible for all congestion costs up to the delivery point at which the SOS Administrator takes the power to serve its SOS load.

4101.5 The SOS Administrator shall solicit seasonally differentiated summer and winter prices for electric supply procured through a competitive wholesale procurement process for the provision of Wholesale Full Requirements Service.

....

**The title of Section 4102, COMPETITIVE WHOLESALE BID STRUCTURE, is amended to read, COMPETITIVE BID STRUCTURES, and the section is amended as follows:**

4102.1 The SOS Administrator shall procure electric supply to meet its SOS obligations using competitive wholesale procurement processes to obtain Wholesale Full Requirements Service and to obtain renewable energy through a Long-Term Renewable Energy PPA or PPA(s) (initially targeted to serve five (5) percent of SOS load with delivery expected to begin on June 1, 2024) as described in this chapter as amended from time to time, and as adjusted for offsetting electric supply procured from CREFs, for each SOS Customer Group (as those SOS Customer Groups are defined in Subsection 4102.3), until the Commission directs the implementation of an alternative SOS procurement process.

....

4102.3 The SOS Administrator shall have three (3) groups of SOS customers (“SOS Customer Groups”):

- (a) Residential Customers shall include customers served under Electric Company Rate Schedules: R and Master Metered Apartment customers, subject to any revisions made to the tariff sheets from time to time;
- (b) Small Commercial Customers shall consist of the customers served under Electric Company Rate Schedules: GS-Non-Demand, T, TS, TN, and SL subject to any revisions made to the tariff sheets from time to time; and
- (c) Large Commercial Customers shall include all commercial customers except those defined as Small Commercial Customers.

4102.4 The SOS Administrator shall issue Requests For Proposals (“RFPs”) to competitive wholesale bidders for contracts for the Wholesale Full Requirements Service supply of SOS in order to maintain the following contract term balances for the various customer portfolios:

- (a) Residential Customers: The SOS Administrator shall solicit fixed-price offers for terms of one year, two years, or three or more years. Alternative portfolios of supply options may be presented to the Commission for consideration. The SOS Administrator shall compile a portfolio of conforming offers consistent with the mix of terms determined by the Commission. The SOS Administrator shall select conforming offers to meet the Commission's percentage target(s) in accordance with the evaluation provision included in the RFP;
- (b) Small Commercial Customers: The SOS Administrator shall solicit fixed price offers for Wholesale Full Requirements Service for some combination of one-, two-, and three- or more year terms. Alternative portfolios of supply options may be presented to the Commission for consideration; and
- (c) Large Commercial Customers: The SOS Administrator shall solicit fixed price offers for Wholesale Full Requirements Service for one- and/or two-year terms.

The RFP for the Wholesale Full Requirements Service supply of SOS shall alert the competitive wholesale bidders to the fact that final service requirements may be adjusted to accommodate offsetting electric supply obtained by the SOS Administrator from CREFs.

4102.5 The SOS Administrator shall solicit wholesale bids for the Wholesale Full Requirements Service supply of SOS using the existing rate structures of its existing rate classes. Nothing herein, however, precludes the SOS Administrator from filing for a different rate structure for any rate schedule or SOS Customer Group, subject to Commission review and approval, provided that any such changes, adjustments, alterations, or modifications do not change or impact existing Wholesale Full Requirements Service Agreements.

**Section 4103, STANDARD OFFER SERVICE RETAIL RATES, is amended as follows:**

- 4103.1 The retail rates to SOS customers will consist of the sum of the following components:
- (a) The seasonally-differentiated and, if applicable, time-of-use differentiated load weighted average price of all awarded contracts for Wholesale Full Requirements Service supply of SOS for each SOS Customer Group;
  - (b) The load weighted average price of all awarded contracts for Long-Term Renewable Energy PPA(s) supply of SOS;
  - (c) Retail charges designed to recover, on an aggregate basis, FERC-approved Network Integrated Transmission Service charges ("NITS") and related



charges and any other PJM charges and costs incurred by the SOS Administrator directly related to the SOS Administrator's SOS load obligation for each SOS Customer Group;

- (d) PJM Locational Marginal Price for energy in the Pepco District of Columbia sub-Zone, adjusted for ancillary service charges as specified in Subsection 906.4, for all unsubscribed electric supply purchased from CREFs;
- (e) The costs of any components not provided by the Long-Term Renewable Energy PPA(s), including but are not limited to, the cost of energy (needed to make up for the non-load following nature of renewable energy); capacity; the cost of meeting the District's Renewable Energy Portfolio Standard; credit and risk; losses and congestion; and ancillary services;
- (f) An administrative charge; and
- (g) Applicable taxes.

4103.2 When the winning wholesale bidder(s) are selected for the Wholesale Full Requirements Service supply of SOS, the SOS Administrator shall submit to the Commission:

- (a) The names of the winning bidders, which shall remain confidential subject to Subsection 4111.5 of this chapter;
- (b) The retail rates for all the customer classes according to the Commission pre-approved time schedule. Such rates shall consist of all the components included in Subsection 4103.1;
- (c) A detailed calculation and explanation of an administrative charge; and
- (d) Administrative charge true-up provisions.

4103.3 There shall be a period of seven (7) and twelve (12) calendar days for comments and reply comments after the SOS Administrator's submission to the Commission of the retail rates and administrative charge for the Wholesale Full Requirements Service supply of SOS, pursuant to Subsection 4103.2. The Commission shall thereafter issue an Order approving or rejecting the retail rates and/or administrative charge. The SOS Administrator shall file a revised tariff setting forth the new retail rates and/or administrative charges within seven (7) calendar days of the Commission's Order approving the rates and charges.

4103.4 The administrative charge is designed to recover the SOS Administrator's incremental costs for procuring and providing the service. Actual incremental costs shall include, but not be limited to, a proportionate share of SOS customer uncollectibles for each SOS Customer Group, Commission Consultant expenses (as

described in Subsection 4110.1), SOS bidding expenses for both the Wholesale Full Requirements Service supply of SOS and Long-Term Renewable Energy PPA or PPAs (including all incremental expenses associated with the development and execution of Long-Term Renewable Energy PPAs), working capital expenses related to SOS for each SOS Customer Group, wholesale supply transaction costs related to Wholesale SOS Provider administration and transmission service administration, wholesale payment and invoice processing, incremental billing process expenses, customer education costs, incremental system costs, costs related to the purchases of electric supply from CREFs, and legal and regulatory filing expenses related to SOS requirements.

4103.5 Prior to the submission of bids for the Wholesale Full Requirements Service supply of SOS, the SOS Administrator shall file a request with the Commission (with notice to all the Parties) for determination of the appropriate amount of its administrative charge to be included in the retail rates to SOS customers. In calculating the Administrative Charge, the return component on the administrative charge, for the Wholesale Full Requirements Service supply of SOS as prescribed in Order No. 18829 issued July 7, 2017, and for the supply of SOS provided by the Long-Term Renewable Energy PPA or multiple PPAs as prescribed in Order No. 20327 issued April 9, 2020, as modified by any subsequent Commission Order or Orders, shall not be reflected for rate-making purposes in the establishment of the Electric Company’s distribution rates, including the determination of the Electric Company’s return for providing distribution service.

....

4103.9 All SOS Customer Groups, as defined in Subsection 4102.3 of these rules, are responsible for the costs associated with any and all Long-Term Renewable Energy PPAs.

....

**The title to Section 4104, COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESS, is amended to read, COMPETITIVE WHOLESALE BIDDING AND CONTRACTING PROCESSES, and the section is amended as follows:**

4104.1 The SOS Administrator shall solicit offers for Wholesale Full Requirements Service supply of SOS and Long-Term Renewable Energy PPA supply of SOS (initially targeted to serve five (5) percent of SOS load with delivery expected to begin on June 1, 2024) via the RFPs approved by the Commission. The SOS Administrator shall remain the NITS provider and shall be the designated PJM Load Serving Entity (“LSE”) for all SOS. The SOS Administrator, as the PJM LSE, shall provide the rights to nomination and make available to the Wholesale SOS Providers all Firm Transmission Rights/Auction Revenue Rights (“FTR/ARRs”) to which it has rights pursuant to the PJM procedures applicable to FTR and ARR.

- 4104.2 The SOS Administrator shall solicit seasonally differentiated and, if applicable, time-of-use differentiated prices for Wholesale Full Requirements Service supply of SOS. In the case of multi-year-term contracts for Wholesale Full Requirements Service supply of SOS, prices shall, in addition, be annually specified. The solicitation shall be conducted through up to four bidding rounds, as specified in the RFP.
- 4104.3 For Wholesale Full Requirements Service supply of SOS, the total load associated with each SOS Customer Group, minus the SOS load served by a Long-Term Renewable Energy PPA or PPAs, shall be divided into bid blocks of approximately 50 MW to promote diversity of supply and reliable supply contract performance. Each bid block shall represent a percentage of the total SOS load that each Wholesale SOS Provider will be obligated to supply for the term of the contract regardless of changes in the magnitude of the total load for that SOS Customer Group. The size of the total load may vary from the 50 MW guideline for a particular group if the total load associated with a specific SOS Customer Group indicates that such variation is warranted. One reason for a variation may be to accommodate electric supply acquired from CREFs as described in Subsection 4109.1. The SOS Administrator may alter the target size of the bid blocks by requesting permission to do so at the same time as it informs the Commission of its procurement plan, but only if it has reason to believe that the change would lead to more competitive offers.
- 4104.4 SOS service years shall continue annually beginning on June 1 of each year and ending on May 31 of the following year, consistent with PJM planning periods, unless modified by Commission Order.
- 4104.5 Potential Wholesale SOS Providers must demonstrate their qualifications to provide Wholesale Full Requirements Service by providing proof that they are qualified to participate in the PJM Markets and have all the necessary FERC authorizations to enter into wholesale energy contracts. Furthermore, the RFP and WFRSA shall specify the financial credit requirements that potential or actual Wholesale SOS Suppliers must demonstrate. Renewable Energy Generators must demonstrate their qualifications to provide renewable energy through a long-term PPA by providing proof that they are qualified to participate in the PJM Markets and have or will obtain all the necessary FERC authorizations to enter into wholesale energy contracts as required by the terms of the RFP for the Long-Term Renewable Energy PPA.
- 4104.6 For Wholesale Full Requirements Service supply of SOS, the SOS Administrator's RFP will include specific forms of bid request, evaluation plan, and the WFRSA. The evaluation plan contained in the RFP will specify that all bids to serve the load associated with a specific SOS Customer Group and for a specific contract length will be compared on a discounted price basis to select the lowest cost winning bids.

4104.7 For Wholesale Full Requirements Service supply of SOS, upon completion of the bid evaluation process, the SOS Administrator will notify the winning bidders and execute a WFRSA with each winning bidder. Such contract execution will be contingent, however, on Commission approval of the bid awards, contracts and credit support provisions therein. The contract(s) will be deemed approved by the Commission unless the Commission orders otherwise within two (2) business days following their submission. Winning bidders will receive the actual prices in their offers for each year of the term of their supply contract. Winning bidders will not be permitted to revise prices or any other terms and conditions of the WFRSA, except as provided for in the WFRSA.

....

**The title to Section 4106, FINANCIAL CAPABILITY REQUIREMENTS, is amended to read, FINANCIAL CAPABILITY REQUIREMENTS FOR WHOLESALE SOS PROVIDERS OF THE WHOLESALE FULL REQUIREMENTS SERVICE SUPPLY OF SOS AND RENEWABLE ENERGY PROVIDERS OF RENEWABLE ENERGY THROUGH A LONG-TERM POWER PURCHASE AGREEMENT(S), and the section is amended as follows:**

4106.1 Financial capability requirements shall be imposed on Wholesale SOS Providers of the Wholesale Full Requirements Service supply of SOS and shall be consistent with provisions established in this Section. The financial capability requirements for renewable energy providers shall be defined by the terms of the RFP for the Long-Term Renewable Energy PPA or PPAs (initially targeted to serve five (5) percent of SOS load with delivery expected to begin on June 1, 2024).

....

**Section 4107, REPORTING REQUIREMENTS AND TRUE-UP PROVISIONS, is amended as follows:**

4107.1 Within ninety (90) days of the conclusion of each year of SOS bidding for Wholesale Full Requirements supply of SOS, the SOS Administrator shall submit a report to the Commission on its wholesale electric supply procurement process and results, SOS retail prices produced, the aggregated SOS enrollment activity for each service class (including the number of customers, megawatt peak load, megawatt hour energy and switching to and from the service); a report on the amount of electric supply acquired from CREFs during the previous year; and a report of all true-ups conducted for that year. This requirement is not intended to replace or supersede any other reporting requirements imposed by the Commission on the SOS Administrator.

4107.2 If the SOS Administrator conducts wholesale bidding for a type of service on the basis of aggregated rate classes for the Wholesale Full Requirements Service supply of SOS or for the Long-Term Renewable Energy PPA supply of SOS (initially targeted to serve five (5) percent of SOS load with delivery expected to begin on

June 1, 2024), the SOS Administrator shall make any needed true-ups on an aggregated basis.

...

4107.5 The SOS Administrator shall true-up its billings to retail customers for services provided pursuant to Subsection 4103.1 against its payments to Wholesale SOS Providers for the Wholesale Full Requirements Service supply of SOS, to Renewable Energy Generators for the Long-Term Renewable Energy PPA(s) supply of SOS, and to CREFs. The SOS Administrator shall also true-up its billings to retail customers to reflect any net damages recovered by the SOS Administrator from a defaulting Wholesale SOS Provider for the Wholesale Full Requirements Service supply of SOS or a Renewable Energy Generator for the Long-Term Renewable Energy PPA supply of SOS in accordance with Subsection 4111.3. The Commission will audit true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13.

4107.6 For the Wholesale Full Requirements Service supply of SOS, for the purpose of determining such true-up, the SOS Administrator's payments to its Wholesale SOS Providers shall exclude payments made with respect to the upward adjustment in a Wholesale SOS Provider's load arising from the activation of the Electric Company's load response programs and shall exclude any downward adjustment to a Wholesale SOS Provider's load arising from the SOS Administrator's acquisition of energy from a CREF.

....

4107.10 The net costs included in retail prices pursuant to Subsection 4103.1(c) shall be recovered on a cents/kWh basis (energy basis) for non-demand tariff schedules and/or on a \$/kW basis (demand basis) for demand tariff schedules. However, the SOS Administrator may request Commission approval to use alternate rate designs to recover NITS-related costs. The SOS Administrator may true-up its billings to retail customers for transmission services provided pursuant to Subsection 4103.1(c) against its payments for these services to PJM. The Commission may audit these true-ups annually. In the event that there is any net over- or under-collection at the end of any type of service (Residential, Small Commercial, Large Commercial), the balance will be paid or collected through a mechanism to be determined in accordance with the procedures set forth in Subsection 4107.13.

4107.11 To the extent not already recovered through the PJM Network Integration Transmission Service charges, any future surcharges assessed to network transmission customers for PJM-required transmission enhancements pursuant to the PJM Regional Transmission Expansion Plan, or for transition costs related to elimination of through-and-out transmission charges will be included in the charges

under Subsection 4103.1(c). Pursuant to the WFRSA, the Wholesale SOS Providers bear the risk of any other changes in PJM products and pricing during the term of their WFRSAs. However, if there are any other new FERC-approved PJM transmission charges or other new PJM charges and costs charged to network transmission customers, the SOS Administrator may recover them through retail rates:

- (a) The SOS Administrator will file with the Commission, and provide notice to all parties to the proceeding, a request for approval to recover such new charges through the SOS Administrator's retail rates under Subsection 4103.1(c); and
- (b) The Wholesale SOS Provider will charge the SOS Administrator only for those new costs that the Commission determines may be recovered in rates by the SOS Administrator. In no event will the SOS Administrator bear the risk of any changes in regulation or PJM rules related to such costs or charges. Also, in no event shall any PJM charges to other than network transmission customers be recovered through the SOS Administrator's retail transmission rates for SOS service, except to the extent (if any) provided in Subsection 4103.1.

....

**The title to Section 4108, BID DOCUMENTS AND INFORMATION PROVIDED BY THE ELECTRIC COMPANY TO POTENTIAL BIDDERS, is amended to read, BID DOCUMENTS AND INFORMATION PROVIDED BY THE SOS ADMINISTRATOR TO POTENTIAL BIDDERS FOR WHOLESALE FULL REQUIREMENTS SERVICE SUPPLY OF SOS, and the section is amended as follows:**

4108.1 The Request For Proposal ("RFP") is the document pursuant to which the SOS Administrator shall solicit Wholesale Full Requirements Service to meet its SOS obligations that are not met by the Long-Term Renewable Energy PPA(s). (The SOS Administrator also solicits the Long-Term Renewable Energy PPA(s) supply of SOS through one or more RFPs.) The RFP shall include the bid request process, the bid evaluation methodology, the timeline for the RFP process, and the following five appendices:

- (a) Expression of Interest Form;
- (b) Confidentiality Agreement;
- (c) Credit Application;
- (d) Bid Form Spreadsheets; and
- (e) Binding Bid Agreement.

....

**Section 4111, MISCELLANEOUS PROVISIONS, is amended as follows:**

4111.1 The SOS Administrator may at any time request Commission approval to make changes in the Electric Company's tariffs. However, to the extent that those tariff changes would require conforming changes to the RFP for Wholesale Full Requirements Service supply of SOS, the WFRSA generally, or any WFRSA that may be in effect from time to time, or any Long-Term Renewable Energy PPA(s):

- (a) No such tariff changes may alter the rights and obligations of any Wholesale SOS Provider with respect to any WFRSA or any Renewable Energy Generator with respect to any Long-Term Renewable Energy PPA(s) for which an RFP has already been issued, unless the Wholesale SOS Provider or Renewable Energy Generator consents to have its rights or obligations changed;
- (b) The SOS Administrator shall serve notice of the requested tariff change and copies of the proposed conforming changes to the RFP and/or WFRSA on all parties; and
- (c) Any such tariff changes must be consistent with the regulations, orders or other obligations to which the SOS Administrator is subject.

....

4111.3 If any load is left unserved after a Wholesale SOS Provider of Wholesale Full Requirements Service or a Renewable Energy Generator pursuant to a Long-Term Renewable Energy PPA(s) defaults:

- (a) The SOS Administrator shall initially supply the defaulted load by purchasing energy and all other necessary services through the PJM-administered markets, including but not limited to the PJM energy, capacity, and ancillary services markets, and any other service required by PJM to serve such defaulted load, and shall include all the costs of such purchases, net of any offsetting recovery from the defaulting Wholesale SOS Provider or Renewable Energy Generator, in the retail rates charged for the service for which the purchases are made; and
- (b) As soon as practicable after it is determined by the SOS Administrator that the load is unserved, the SOS Administrator shall file with the Commission a plan to fill the remaining term of the defaulted WFRSA or Long-Term Renewable Energy PPA(s). Such a plan shall be submitted to the Commission within ten (10) business days after a Wholesale SOS Provider or a Renewable Energy Generator default. Until the Commission approves

a plan to fill the remaining term of the defaulted WFRSA, Subsection 4111.3(a) will apply.

....

**A new Section 4112, LONG-TERM RENEWABLE ENERGY POWER PURCHASE AGREEMENT(S), is added to read as follows:**

- 4112.1 The SOS Administrator may supply a portion of Standard Offer Service with the Long-Term Renewable Energy PPA(s) (initially targeted to serve five (5) percent of SOS load with delivery expected to begin on June 1, 2024). The portion of SOS supplied by the Long-Term Renewable Energy PPA(s) will be determined by the Commission and procured by the SOS Administrator.
- 4112.2 The SOS Administrator may supply any components for the portion of the SOS load served by the Long-Term Renewable Energy PPA(s) not provided by the PPA(s) by purchasing such components from PJM wholesale markets. Such components may include, but are not limited to:
- (a) The cost of energy needed to account for the non-load following nature of renewable energy;
  - (b) Capacity;
  - (c) The cost of meeting the District's Renewable Energy Portfolio Standard (RPS);
  - (d) Losses and congestion; and
  - (e) Ancillary services.
- 4112.3 Pursuant to Commission Order(s), the SOS Administrator will conduct a procurement to acquire electric supply through the Long-Term Renewable Energy PPA(s). The form of the procurement, quantity to be procured, and procurement documents will be reviewed and approved by the Commission prior to issuance by the SOS Administrator.
- 4112.4 The SOS Administrator shall present the results of any such procurements to the Commission for approval.
- 4112.5 The SOS Administrator will serve as the counter-party to any Long-Term Renewable Energy PPA(s). In the event that Commission chooses a new SOS Administrator that is not the Electric Company, any PPA(s) that the Electric Company has entered into as the counter-party shall be assigned to the new SOS



Administrator and the new SOS Administrator will thereafter serve as the counter-party to the PPA.

4112.6 In the event of a default by a Renewable Energy Generator in the provision of Long-Term Renewable Energy PPA supply of SOS or in the event that there are any stranded costs associated with any such PPA(s), the SOS Administrator, as the counter-party to the PPA, will in no way be held liable for any costs associated with the default or any such stranded costs. In the event that such a default occurs or if such stranded costs result, all SOS Customer Groups, as defined in Subsection 4102.3 of these rules, will be responsible for the costs associated with any default or stranded costs.

4112.7 The SOS Administrator will be reimbursed for its costs associated with the procurement and administration of electric supply for SOS through the Long-Term Renewable Energy PPA(s) and receive a margin for the procurement and administration of any such PPA(s) consistent with Commission Order No. 20327, issued April 9, 2020, or as modified by any subsequent Commission Order.

4112.8 All Tier One Renewable Energy Credits (REC) generated pursuant to Long-Term Renewable Energy PPA supply of SOS shall be retired to meet the annual RPS obligations of all SOS suppliers, both Wholesale Standard Offer Service Providers and Renewable Energy Generators. Wholesale Standard Offer Service Providers or Renewable Energy Generators will be credited for a percentage of these RECs in accordance with the percentage of the year’s SOS load that they served. Thus, for example, if a Wholesale Standard Offer Service Provider or Renewable Energy Generator served ten (10) percent of SOS load, this provider of generator would receive ten (10) percent of the RECs.

4112.9 In the event that a Renewable Energy Generator is providing energy generated by a solar energy system that is located within the District and in a location served by a distribution feeder serving the District pursuant to a Long-Term Renewable Energy PPA(s), the solar RECs produced by that solar energy system shall be distributed in the same manner as Tier One RECs are to be distributed in Subsection 4112.8.

**Section 4199, DEFINITIONS, is amended as follows:**

4199.1 When used in this chapter, the following terms and phrases shall have the following meaning:

....

**“Long-Term Renewable Energy Power Purchase Agreement”** – an Agreement to purchase electric supply from renewable resources procured pursuant to this chapter.

....

**Renewable Energy Credit or REC** – a credit representing one megawatt hour (1 MWh) of energy produced by Tier One or Tier Two renewable source located within the PJM Interconnection region; or until January 1, 2029, a Tier One or Tier Two renewable source located within an Adjacent PJM State that was certified by the Commission as of March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (D.C. Law 22-257).

....

**“Renewable Energy Generator”** – the entity that provides the renewable energy pursuant to a Long-Term Renewable Energy Power Purchase Agreement who is a party to such a contract.

....

**“Wholesale Standard Offer Service Provider(s)” or “Wholesale SOS Provider(s)”** – the entities selected pursuant to this chapter to provide Wholesale Full Requirements Service supply of SOS.

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF THIRD EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) - (c) (2012 Repl. & 2019 Supp.)), D.C. Official Code § 25-502 (2012 Repl. & 2019 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, gives notice of the amendment, on an emergency basis, of Chapter 10 (Endorsements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking, titled the *Addition of Outdoor Public and Private Space Notice of Third Emergency Rulemaking*, will (1) allow on-premises retailer's licensees and manufacturer licensees, class A or B, holding an on-site sales and consumption permit, or a Convention Center food and alcohol business to register with the Board to sell, serve, and allow the consumption of alcoholic beverages on new or expanded outdoor public and private space not listed on its license; and (2) modify the conditions imposed on registered licensees and businesses.

On May 27, 2020, Mayor Bowser issued Mayor's Order 2020-067, implementing Phase One of Washington, D.C.'s reopening. Among other things, Mayor's Order 2020-067 partially lifted the restriction prohibiting on-site dining by allowing restaurants, taverns, nightclubs, mixed-use facilities and other licensed food establishments to offer table service to seated patrons on outdoor public or private space. In response to Mayor's Order 2020-067, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Emergency Rulemaking* ("first emergency rulemaking"), on May 28, 2020, by a vote of six (6) to zero (0). *See* 67 DCR 8507 (July 10, 2020). The emergency rulemaking allowed restaurants, taverns, nightclubs, multipurpose facilities, and manufacturer licenses, class A or B, with on-site sales and consumption permits to register with the Board to sell, serve, and allow the consumption of alcoholic beverages on new or expanded ground floor or street level outdoor public or private space in accordance with the Mayor's Order.

After the Board adopted the first emergency rulemaking, Mayor Bowser issued another Mayor's Order implementing Phase Two of Washington, D.C.'s reopening. *See* Mayor's Order 2020-075 (June 19, 2020). Mayor's Order 2020-075, among other things, allows seating at an outdoor bar provided that the bar is not being staffed or utilized by a bartender. In response to Mayor's Order 2020-075, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Second Emergency Rulemaking* ("second emergency rulemaking"), which modified the previous rulemaking by incorporating the additional requirements that ABC-licensed establishments needed to comply with in order to expand or add outdoor public or private space. *See* 67 DCR 9096 (July 24, 2020).

Since the adoption of the second emergency rulemaking, the Council of the District of Columbia passed the Sreatery Program and Pop Up Locations Emergency Amendment Act of 2020 enacted July 27, 2020 (D.C. Act 23-346; 67 DCR 9387 (August 7, 2020)), which took effect on July 27, 2020. The legislation established additional guidelines and requirements, some of which modified

the Board's second emergency rulemaking, for ABC-licensed establishments seeking on-site sales and consumption, carryout services, or who sought to expand or add outdoor public or private space to the existing licensed premises. In order to ensure that the District's regulations and the Code are consistent, and in order to promote the peace, health, welfare, and safety of District residents, the Board finds emergency action is necessary at this time, and thus, adopts the *Addition of Outdoor Public and Private Space Notice of Third Emergency Rulemaking*, by a vote of seven (7) to zero (0), on August 19, 2020. This emergency rulemaking is necessary to maintain consistency across the regulations and the Code, which is essential to ensuring compliance and to prevent confusion and misunderstanding among the public. This will in turn, continue to promote the immediate preservation of public health, welfare, and the safety of District residents.

This emergency rulemaking became effective on August 19, 2020. The rulemaking supersedes the previously adopted rulemaking and shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency, but in no event longer than one hundred twenty (120) days from the Board's adoption; expiring on or before December 17, 2020, unless superseded.

**Chapter 10, ENDORSEMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by adding a new Section 1007, ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE, on an emergency basis, to read as follows:**

**1007            ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE**

1007.1            A licensee under an on-premises retailer's license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, a manufacturer's license, class A or B, holding an on-site sales and consumption permit, or a Convention Center food and alcohol business shall be permitted to sell, serve, and allow the consumption of alcoholic beverages to seated patrons on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license, provided, that the licensee:

- (a)            Registers with the Board, at no cost, and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;
- (b)            Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and
- (c)            Agrees to follow all applicable District laws, regulations, guidance documents, administrative orders including Mayor's Orders, and permit requirements or conditions, which may contain requirements that supersede provisions contained in this section.

1007.2            An on-premises retailer's license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, a manufacturer's

license holding an on-site sales and consumption permit, class A or B, or a Convention Center food and alcohol business that registers with the Board in accordance with § 1007.1 to sell, serve, and allow the consumption of alcoholic beverages to seated patrons on new or expanded ground floor or street level outdoor public or private space not listed on its existing license shall:

- (a) Place tables on the sidewalk café or summer garden so that separate parties are at least six feet (6 ft.) apart from one another;
- (b) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;
- (c) Prohibit events and activities that would require patrons to be standing or in cluster or be in close contact with one another, including dancing, playing darts, video games including games of skill, bowling, ping pong, pool, throwing axes, or indoor playgrounds;
- (d) Prohibit patrons from bringing their own alcoholic beverages;
- (e) Prohibit self-service buffets;
- (f) Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
- (g) Require the purchase of one (1) or more prepared food items per table;
- (h) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the District of Columbia Department of Health (DC Health);
- (i) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District's zoning regulations;
- (j) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 8:00 a.m. and midnight, seven (7) days a week;
- (k) Not have more than six (6) individuals seated at a table or a joined table;
- (l) Require patrons to wait outside at least six feet (6 ft.) apart until they are ready to be seated or make an on-site reservation;

- (m) Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;
- (n) Be allowed to play background or recorded music at a conversational level that is not heard in the homes of District residents;
- (o) Not serve alcoholic beverages or food to standing patrons;
- (p) Prohibit standing at outdoor bars and only permit seating at outdoor bars that are not being staffed or utilized by a bartender.
- (q) Require a minimum of six feet (6 ft.) between parties seated at outdoor bars or communal tables;
- (r) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;
- (s) Provide and require that wait staff wear masks;
- (t) Require that patrons wear masks or face coverings while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;
- (u) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;
- (v) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and
- (w) Have its own clearly delineated outdoor space and not share tables and chairs with another business.

1007.3 Registration under § 1007.1 shall be valid from May 29, 2020, to October 25, 2020, unless extended by the Mayor or the Council of the District of Columbia.

1007.4 The Board may fine, suspend, or revoke an on-premises retailer's license, class C or D, or a manufacturer's license, class A or B, with an on-site sales and consumption permit, and shall revoke the registration issued in accordance with § 1007.1 if the licensee fails to comply with requirements set forth in § 1007.1 or 1007.2. The provisions of D.C. Official Code §§ 25-826 and 25-828 pertaining to notice and an opportunity to be heard in connection with the suspension or revocation of licenses shall also apply to the revocation of registrations issued in accordance with § 1007.1.

- 1007.5 Notwithstanding § 1007.2, if an on-premises retailer's license, class C or D, or a manufacturer's license, class A or B, with an on-site sales and consumption permit, has a settlement agreement governing its operations, the Board:
- (a) Shall interpret settlement agreement language that restricts sidewalk cafes or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafes or summer gardens;
  - (b) Shall not interpret settlement agreement language that restricts or prohibits sidewalk cafes or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this subsection;
  - (c) Shall not interpret settlement agreement language that restricts or prohibits the operation of permanent outdoor space to prohibit the temporary operation of sidewalk cafes or summer gardens; and
  - (d) Shall require all on-premises retailer licenses, class C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by DDOT or the property owner.
- 1007.6 With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed one hundred eighty (180) days.
- 1007.7 A manufacturer's license, class A or B, with an on-site sales and consumption permit, or an on-premises retailer's license, class C/T, D/T, C/N, D/N, C/X, or D/X, including multipurpose facilities or private clubs, may partner with a food vendor during its operating hours to satisfy the use of a menu containing a minimum of three (3) prepared food items available to patrons requirement set forth in § 1007.2(f), provided that patrons are seated when ordering and ordered food is delivered by the licensee or the food vendor to the seated patron.
- 1007.8 For purposes of this section:
- (a) Ground floor or street level sidewalk cafes or summer gardens enclosed by awnings or tents having no more than one (1) side shall be considered outdoor space;
  - (b) Areas enclosed by retractable glass walls and other forms of operable walls shall be considered indoor dining; and
  - (c) Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under § 1007.1.

## OFFICE OF THE CITY ADMINISTRATOR

**NOTICE OF SECOND EMERGENCY RULEMAKING**

The City Administrator, pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)), and Mayor's Order 2015-36, issued January 9, 2015, 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, Mayor's Order 2020-50, dated March 20, 2020, Mayor's Order 2020-63, dated April 15, 2020, Mayor's Order 2020-66, dated May 13, 2020, and Mayor's Order 2020-79, dated July 22, 2020, hereby gives notice of the adoption of the following amendment, on an emergency basis, to Chapter 1 (Administration and Enforcement) of Title 12 (Construction Codes Supplement of 2013), Subtitle A (Building Code Supplement of 2013), of the District of Columbia Municipal Regulations ("DCMR").

This second emergency rulemaking provides the Director of the Department of Consumer and Regulatory Affairs with the authority to temporarily suspend specific requirements of the Construction Codes for construction directly related to preparation, response, mitigation, or recovery efforts related to public emergency and public health emergency declarations that were initially declared by Mayor Muriel Bowser on March 11, 2020, and most recently extended on July 22, 2020.

This second emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, structures may need to be constructed expeditiously as part of the District's response and existing structures may need to be used for purposes not originally intended. The authority to waive Construction Code requirements, on a case-by-case basis, will help facilitate the expeditious construction of new structures and variant uses of existing structures, and thereby improve the ability of the District to respond to COVID-19.

A Notice of Emergency Rulemaking was published on March 27, 2020 at 67 DCR 3591. This second emergency rulemaking was adopted on September 16, 2020. This second emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring January 14, 2020.

**Chapter 1, ADMINISTRATION AND ENFORCEMENT, of Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:**

**Section 104, DUTIES AND POWERS OF THE CODE OFFICIAL, is amended as follows:**

**A new subsection entitled Subsection 104.13 is added with the following:**

104.13      **Public Emergency Declarations.** During a declared public emergency, the *code official* is authorized to temporarily suspend specific requirements of the Construction Codes for temporary construction or use directly related to



preparation, response, mitigation, or recovery efforts related to the public emergency. A temporary code suspension decision shall weigh the benefits to the public health, safety, and welfare that are likely to be realized because of the waiver against any risk to health or safety and any reduction in accessibility that may be caused by the waiver.

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code §1-307.02 (2016 Repl. & 2019 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the intent to adopt, on an emergency basis, an amendment to Chapter 94 (Medicaid Provider and Supplier Screening, Enrollment, and Termination) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking amends Chapter 94 of Title 29 DCMR, the DHCF rules governing the screening, enrollment, and termination of all providers enrolled in, or providing services reimbursed by, the District Medicaid program to align with current federal requirements. The United States Department of Health and Human Services' (HHS) Centers for Medicare and Medicaid Services (CMS) has updated the federal Medicaid provider screening and enrollment regulations at 42 CFR Part 455, Subpart E, necessitating corresponding revisions to DHCF's rules. These emergency and proposed rules also codify current DHCF policy and clarify many elements of the District Medicaid provider enrollment, screening, and termination processes that are not sufficiently addressed in current rules.

In accordance with the federal regulations at 42 CFR §§ 455.400 *et seq.*, these emergency and proposed rules set forth the enrollment requirements for ordering, referring, and prescribing providers, and update the categorical risk level classifications for new and existing provider types. To ensure that DHCF can adequately screen the individuals and entities seeking to enroll as providers of services to District Medicaid beneficiaries, these rules increase the time allotted DHCF to review provider enrollment applications, from thirty (30) to ninety (90) calendar days. The rules also update the requirements for completion and submission of provider enrollment applications to reflect the shift from the previously utilized paper-based process to the online process currently utilized by DHCF.

Finally, in addition to the changes made to existing sections of Chapter 94, this emergency and proposed rulemaking adds the following new sections: Section 9412, which describes the criteria and procedure for termination of enrollment due to provider inactivity; Section 9413, which details the requirements for changes in ownership of enrolled providers; Section 9414, which sets forth the financial viability standards and documentation requirements for prospective and enrolled providers, and Section 9415 which sets forth requirements for certain Medicaid enrolled providers to contract with District of Columbia Medicaid managed care organizations. Because "suppliers" is not a term recognized in Medicaid authority, the rule also proposes to delete references to the term "suppliers" throughout the rule.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District Medicaid beneficiaries eligible for and in need of covered services rendered by enrolled

Medicaid providers. These rules are being enacted on an emergency basis to ensure that beneficiaries continue to have access to those items, services, and providers most appropriate to their individual care needs, health, and safety.

These emergency rules were adopted on September 9, 2020 and shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until January 7, 2021, 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 94 of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:**

**CHAPTER 94   MEDICAID PROVIDER SCREENING, ENROLLMENT, AND  
TERMINATION**

**Section 9400 is amended to read as follows:**

**9400           MEDICAID PROVIDER GENERAL PROVISIONS**

- 9400.1       Health care providers, including individual practitioners, institutional providers, and providers of medical equipment or goods related to care, seeking to provide services or goods to District of Columbia (District) Medicaid beneficiaries shall be screened and enrolled in the District Medicaid program pursuant to the requirements in this chapter. A comprehensive list of the types of providers eligible to enroll in District Medicaid is available online at [www.dc-medicaid.com](http://www.dc-medicaid.com). This chapter also establishes screening and enrollment related circumstances that may lead the Department of Health Care Finance (DHCF) to initiate termination of enrollment of an existing District Medicaid provider. Such terminations shall proceed in accordance with the Medicaid Program Administrative Procedures set forth in 29 DCMR §§ 1300 *et seq.*
- 9400.2       Only those providers that have received notification from DHCF that screening and enrollment requirements have been met shall be authorized to receive reimbursement for health services and goods delivered to District Medicaid beneficiaries.
- 9400.3       To initiate the enrollment process, a provider shall submit a completed D.C. Medicaid Provider Application (application) using the online portal accessible via [www.dc-medicaid.com](http://www.dc-medicaid.com) and in accordance with all requirements set forth in this chapter.
- 9400.4       Providers shall be subject to any or all of the following types of screening:
- (a)       Ownership and Financial Disclosures;
  - (b)       Criminal Background Checks;

- (c) Fingerprinting; and
- (d) Pre- and Post-Enrollment Site Visits.

9400.5 Each provider shall submit all documentation listed on the application required for that provider type, submit to screening, and adhere to the guidance and timeframes issued by DHCF throughout the process for enrollment or revalidation of enrollment.

9400.6 In accordance with 42 CFR §§ 455.414 and 455.452, DHCF shall revalidate enrollment for all District Medicaid providers as follows:

- (a) For Medicaid providers designated as “limited” or “moderate” risk, revalidation shall be required every five (5) years;
- (b) For Medicaid providers designated as “high” risk, revalidation shall be required every three (3) years; and
- (c) The date for revalidation of enrollment shall be calculated beginning on the effective date of the Medicaid provider agreement, or the date of the Medicaid provider’s most recent revalidation, whichever is later.

9400.7 A revalidating provider shall submit to DHCF all information required for revalidation within the thirty (30) calendar days prior to the designated enrollment expiration date, in accordance with the following:

- (a) If a revalidating provider fails to submit the required information to DHCF within this timeframe, DHCF shall initiate termination proceedings on or after the enrollment expiration date, in accordance with 29 DCMR §§ 1300 *et seq*;
- (b) If DHCF initiates termination proceedings, any claims submitted by the provider for services delivered on or after the enrollment expiration date shall not be eligible for payment by DHCF;
- (c) If a provider has been terminated, the provider must submit a new application in order to participate as a District Medicaid provider; and
- (d) DHCF will not terminate a provider agreement because it is beyond the expiration date, as long as complete revalidation materials are received thirty (30) calendar days prior to the expiration date and under DHCF review.

9400.8 For the duration of a provider’s enrollment in District Medicaid, each provider shall have a continuous obligation to:

- (a) Maintain required licensure and submit proof of renewal for any required license prior to its expiration date. Failure to submit such proof of renewal prior to expiration shall result in DHCF's termination of the existing Medicaid provider agreement; and
- (b) Maintain an active National Provider Identification (NPI) number.

- 9400.9 DHCF shall screen all applications for initial enrollment, re-enrollment, and revalidation of enrollment, including those providers who have been screened by Medicare or another state's Medicaid program within the twelve (12) month period preceding the submission of the application.
- 9400.10 All enrolled providers that are authorized to submit claims to and/or receive payment from Medicaid shall, as a condition of continued enrollment, submit quarterly data to DHCF on the number of individuals served or encountered with Limited English Proficiency (LEP) or Non-English Proficiency (NEP), and the non-English languages spoken by each LEP/NEP individual served or encountered. Information and guidance on how to submit the data is available at [www.dc-medicaid.com](http://www.dc-medicaid.com).
- 9400.11 In accordance with 42 CFR § 455.470(a), DHCF may impose a temporary moratorium on enrollment under any provider type if the Secretary of the U.S. Department of Health and Human Services (Secretary) imposes a moratorium on the same provider type's participation in the Medicaid program.
- 9400.12 In accordance with 42 CFR § 455.470(b), DHCF may impose a temporary moratorium on the enrollment of new providers, or otherwise limit the number of enrolled providers, if DHCF identifies significant potential for fraud, waste, and abuse and the Secretary concurs with DHCF's findings.
- 9400.13 Temporary moratoria imposed by DHCF shall be for an initial period of one hundred eighty (180) days and may be extended by increments of one hundred eighty (180) days. DHCF must document in writing the necessity for extending the moratorium.
- 9400.14 Out-of-District providers shall be licensed and enrolled by the single state agency for the administration of Medicaid in the state where the provider is located and shall provide documentation of enrollment in that state's Medicaid program, including proof that the provider is currently licensed without restriction.
- 9400.15 In accordance with § 5005(b)(2) of the 21<sup>st</sup> Century Cures Act (Pub.L. 114-255; 42 USC § 1396u-2(d)(6)), effective January 1, 2018, all individuals and entities delivering services or items to Medicaid beneficiaries pursuant to a contract with a District Medicaid managed care organization shall be screened and enrolled pursuant to the requirements in this chapter. If such individuals and entities deliver

services or goods, but do not bill Medicaid directly, they may enroll using the procedures outlined in § 9400.16.

9400.16 Any provider who does not bill Medicaid directly for services rendered, but does order, refer, or prescribe services or goods for District Medicaid beneficiaries must:

- (a) Maintain current licensure under state law to order, refer, or prescribe the medical services or items that are the subject of the order, referral, or prescription;
- (b) Complete and submit a streamlined application for enrollment in District Medicaid;
- (c) Be screened and enrolled in District Medicaid as a participating provider pursuant to the requirements set forth in this chapter; and
- (d) Abstain from submitting claims to Medicaid for payment of any service.

9400.17 The requirements set forth in § 9400.16(b)-(c) apply only to provider types that are eligible to enroll in District Medicaid, as indicated by their inclusion on the comprehensive list referenced at § 9400.1.

**Section 9401 is amended to read as follows:**

**9401 MEDICAID PROVIDER APPLICATION**

9401.1 All provider applications shall be completed consistent with the requirements enumerated in § 9401.6 and submitted using the designated online application system, which may be accessed via [www.dc-medicaid.com](http://www.dc-medicaid.com). Each provider shall complete and submit the application corresponding to the appropriate provider type and designated level of categorical risk assigned by DHCF.

9401.2 In accordance with 42 USC § 1320a-7k(e) and 42 CFR § 431.107(b)(5), each provider shall obtain a National Provider Identification (NPI) number from the U.S. Department of Health and Human Services and include the NPI number on the application submitted to DHCF.

9401.3 Each out-of-District provider must include the following additional information in the application:

- (a) The name, business address, and telephone number of its registered agent, in accordance with D.C. Official Code §§ 29-104.01 *et seq.*;
- (b) Proof of a physical business address and a business telephone number within the District listed under the name of the business for the purpose of providing Medicaid services and sales; and

- (c) An active Medicare provider number, or a Medicaid provider number from the state in which the out-of-District provider's principal place of business is located.
- 9401.4 A provider seeking enrollment as a provider of services for a Qualified Medicare Beneficiary (QMB) must be Medicare-certified and shall complete and submit the QMB provider application consistent with § 9401.1. A QMB provider shall only be paid for claims submitted for services or items covered by Medicare and delivered to a Medicare program enrollee.
- 9401.5 All provider applications must include a provider agreement signed with an approved electronic signature, in a manner consistent with the D.C. Uniform Electronic Transactions Act of 2001, as amended, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code §§ 28-4901 *et seq.*).
- 9401.6 A complete Medicaid provider application shall include:
- (a) A provider agreement signed by the provider in accordance with the requirements of § 9401.5;
- (b) Any relevant documents in accordance with the provider's type, including proof that all required licensure is current; and
- (c) All other required documents identified in the application.
- 9401.7 DHCF or its designated agent shall review each complete application within ninety (90) calendar days from the date of submission. If DHCF determines that a provider application is incomplete or contains incorrect information, it shall be returned to the provider for correction and resubmission, subject to the following limitations:
- (a) A corrected application must be resubmitted to DHCF within sixty (60) calendar days of the date it was returned to the provider;
- (b) DHCF shall allow resubmission of an application returned due to incomplete or incorrect information no more than twice within a twelve (12) month period; and
- (c) If DHCF determines that the provider made a false representation or omission of any material fact in the original application, resubmission shall not be allowed.
- 9401.8 DHCF may deny an application if DHCF determines the provider has:
- (a) Been convicted of a criminal offense that relates to the delivery of goods or services to a Medicaid beneficiary;

- (b) Been convicted of any criminal offense that relates to a violation of fiduciary responsibility or financial misconduct;
- (c) Committed a violation of applicable federal, state, or District laws or regulations governing the Medicaid or Medicare programs;
- (d) Been excluded, suspended, or terminated from any program administered under Titles XVIII, XIX, and XXI of the Social Security Act;
- (e) Been excluded, suspended, or terminated from any program managed by the District;
- (f) Been previously found to have violated the standards or conditions of licensure, certification, or other professional standards;
- (g) Made a false representation or omission of any material fact in making the application;
- (h) Demonstrated an inability to provide services, conduct business, or operate a financially viable entity;
- (i) Submitted an incorrect or incomplete application package to DHCF two (2) times in the past twelve (12) months;
- (j) Owns or operates a setting which is subject to the requirements of 42 CFR § 441.301(c)(4) and has failed to demonstrate compliance with the applicable requirements; or
- (k) In accordance with the requirements set forth at 42 CFR § 431.51 and with concurrence from the Centers for Medicare and Medicaid Services (CMS) where needed, DHCF may deny an application based on the current availability of services, the need to ensure program integrity, or other reasonable standards.

9401.9 Upon approval of an application, DHCF shall sign a provider agreement and send the provider a welcome letter that indicates the effective date of the signed provider agreement.

9401.10 The provider agreement shall be effective on the date it is signed by DHCF, except in the circumstances described at § 9401.11.

9401.11 In emergency circumstances, DHCF shall retain discretion to make the provider agreement retroactively effective to the date services were rendered. Emergency circumstances exist where a District Medicaid beneficiary is traveling outside the District when an emergency arises from an accident or illness and the health of the beneficiary would be endangered if:



- (a) The beneficiary undertook travel to return to the District; or
- (b) Medical care were postponed until the beneficiary returned to the District.

**Section 9402 is amended to read as follows:**

**9402 APPLICATION FEE**

9402.1 A provider may be required to remit an application fee at the time of submission of the application for initial enrollment, re-enrollment, or revalidation of enrollment. Assignment of application fees shall be subject to the following principles:

- (a) The amount of the application fee is established annually by the CMS and published in the Federal Register.
- (b) DHCF requires an application fee from all providers except the following:
  - (1) Individual physicians, non-physician practitioners, or other non-institutional providers;
  - (2) Providers that are enrolled in Medicare or another state's Medicaid program; and
  - (3) Providers that have remitted the applicable application fee to Medicare or another state's Medicaid program.
- (c) Application fees are non-refundable.

9402.2 A provider may request a hardship exception to the application fee requirement by submitting a request to CMS. Any provider granted a hardship exception to the application fee requirement must include a copy of the notification from CMS with its application submitted to DHCF.

**Section 9403 is amended to read as follows:**

**9403 MEDICAID PROVIDER SCREENING**

9403.1 Pursuant to 42 CFR § 455.450, DHCF shall screen all applications for initial enrollment, re-enrollment, or revalidation of enrollment based on the level of categorical risk to which the provider type is assigned.

9403.2 All providers shall be assigned to one of the following categorical risk levels:

- (a) Limited (subject to the screening requirements described in § 9404);
- (b) Moderate (subject to the screening requirements described in § 9405); or

(c) High (subject to the screening requirements described in § 9406).

9403.3 A provider applying to enroll as multiple provider types shall be screened separately for each application submitted to DHCF.

9403.4 Pursuant to 42 CFR § 455.450(e), DHCF shall elevate the categorical risk level of a particular provider from “limited” or “moderate” to “high” risk when any of the following occurs:

(a) The provider has been excluded from federal health care programs by the Office of Inspector General (OIG) of the U.S. Department of Health and Human Services within the previous ten (10) years;

(b) The provider has been excluded from another state’s Medicaid program within the previous ten (10) years;

(c) DHCF or CMS lifted a temporary moratorium for the particular provider type during the previous six (6) months, and a provider that had been prevented from enrolling based on the moratorium applies for enrollment at any time within six (6) months from the date the moratorium was lifted;

(d) Medicare elevates the categorical risk level for the provider type;

(e) DHCF has imposed a payment suspension against the provider based on a credible allegation of fraud, waste, or abuse; or

(f) The provider has an existing Medicaid overpayment.

9403.5 DHCF may rely on, but is not limited to, the results of provider screenings performed by:

(a) Medicare contractors;

(b) Federal and State Medicaid agencies, including CMS;

(c) Children’s Health Insurance Programs (CHIP); or

(d) Other District agencies, including the Department of Health, the Department of Behavioral Health, and the Department on Disability Services.

**Section 9404 is amended to read as follows:**

**9404 SCREENING PROVIDERS DESIGNATED AS “LIMITED” RISK**

- 9404.1 Pursuant to 42 CFR § 455.450, any provider not designated as “moderate” risk or “high” risk under §§ 9405 or 9406 shall be assigned to the “limited” risk category.
- 9404.2 Screening for providers designated as “limited” risk shall include the following:
- (a) Verification that the provider meets requirements set forth in the D.C. Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable federal and District laws and regulations;
  - (b) Verification of appropriate licensure, including licensure in states other than the District, in accordance with 42 CFR § 455.412; and
  - (c) Both pre- and post-enrollment Federal database checks in order to ensure the provider continues to meet the enrollment criteria that corresponds to its provider type, in accordance with 42 CFR § 455.436.

**Section 9405 is amended to read as follows:**

**9405 SCREENING PROVIDERS DESIGNATED AS “MODERATE” RISK**

- 9405.1 Pursuant to 42 CFR § 455.450, the following provider types shall be assigned to the “moderate” risk category:
- (a) Adult day health service providers under the 1915(i) State Plan option;
  - (b) Ambulance service suppliers;
  - (c) Community mental health centers;
  - (d) Comprehensive outpatient rehabilitation facilities;
  - (e) Hospice organizations;
  - (f) Independent clinical laboratories;
  - (g) Independent diagnostic testing facilities;
  - (h) Intermediate Care Facilities for Individuals with Intellectual Disabilities;
  - (i) Pharmacies;

- (j) Portable x-ray suppliers; and
- (k) Providers of Home and Community Based Services (HCBS) under a 1915(c) waiver, including but not limited to the Elderly and Persons with Physical Disabilities (EPD) Waiver and the Individuals with Intellectual and Developmental Disabilities (IDD) Waiver.

9405.2 Screening for providers designated as “moderate” risk shall include the following:

- (a) Verification that the provider meets requirements set forth in the D.C. Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable federal and District laws and regulations, including, where appropriate, the requirements of 42 CFR § 441.301(c);
- (b) Verification of appropriate licensure, including licensure in states other than the District, in accordance with 42 CFR § 455.412;
- (c) On-site visits conducted in accordance with 42 CFR § 455.432; and
- (d) Both pre- and post-enrollment federal database checks in order to ensure the provider continues to meet the enrollment criteria that corresponds to its provider type, in accordance with 42 CFR § 455.436.

**Section 9406 is amended to read as follows:**

**9406 SCREENING PROVIDERS DESIGNATED AS “HIGH” RISK**

9406.1 Pursuant to 42 CFR § 455.450, the following provider types shall be assigned to the “high” risk category:

- (a) Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) providers;
- (b) DMEPOS providers of medical alert devices and services;
- (c) Home health agencies; and
- (d) Other providers who have been elevated to the “high” risk category in accordance with § 9403.4.

9406.2 Screening for providers designated as “high” risk shall include the following:

- (a) Verification that the provider meets requirements set forth in the D.C. Health Occupations Revision Act of 1985, as amended, effective March 25,

1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable federal and District laws and regulations, including, where appropriate, the requirements of 42 CFR § 441.301(c);

- (b) Verification of appropriate licensure, including licensure in states other than the District, in accordance with 42 CFR § 455.412;
- (c) On-site visits conducted in accordance with 42 CFR § 455.432;
- (d) Criminal background checks, pursuant to 42 CFR § 455.434;
- (e) Submission of fingerprints, pursuant to 42 CFR § 455.434, for all providers or individuals who maintain a five percent (5%) or greater direct or indirect ownership interest in the provider; and
- (f) Both pre- and post-enrollment Federal database checks to ensure the provider meets and continues to meet the enrollment criteria corresponding to its provider type, in accordance with 42 CFR § 455.436.

**Section 9407 is amended to read as follows:**

**9407 OWNERSHIP AND FINANCIAL DISCLOSURES**

9407.1 Each disclosing entity, fiscal agent, and managed care entity shall disclose, at the time of application, the following information in accordance with 42 CFR § 455.104(a)-(e):

- (a) The name and address of any individual or corporation with an ownership or control interest in the disclosing entity, fiscal agent, or managed care entity. The address for corporate entities shall include as applicable primary business address, every business location, and P.O. Box address;
- (b) Date of birth and Social Security Number (SSN) of any individual with an ownership or control interest in the disclosing entity, fiscal agent, or managed care entity;
- (c) Other tax identification number of any corporation with an ownership or control interest in the disclosing entity (or fiscal agent or managed care entity) or in any subcontractor in which the disclosing entity (or fiscal agent or managed care entity) has a five percent (5%) or more interest;
- (d) Whether the individual or corporation with an ownership or control interest in the disclosing entity (or fiscal agent or managed care entity) is related to another individual with ownership or controlling interest in the disclosing entity (or fiscal agent or managed care entity) as a spouse, parent, child, or sibling; or whether the individual or corporation with an ownership or

control interest in any subcontractor in which disclosing entity (or fiscal agent or managed care entity) has a five percent (5%) or more interest is related to another individual with ownership or control interest in the disclosing entity (or fiscal agent or managed care entity) as a spouse, parent, child, or sibling;

- (e) The name of any other disclosing entity (or fiscal agent or managed care entity) in which an owner of the disclosing entity (or fiscal agent or managed care entity) has an ownership or control interest; and
- (f) The name, address, date of birth, and SSN of any managing employee of the disclosing entity (or fiscal agent or managed care entity).

9407.2 In addition to the disclosures required in § 9407.1, each entity described in § 9407.1 shall disclose at the time of application whether any individual with an ownership or control interest in the entity is an employee of the District government or is related to an employee of the District government as a spouse, parent, child, or sibling, and whether any individual employed by the provider is an employee of the District government.

9407.3 Disclosing entities shall also provide the disclosures and documentation required under §§ 9407.1 and 9407.2 at any of the following times:

- (a) Upon submission of the application;
- (b) Upon execution of the provider agreement;
- (c) Upon request of DHCF during the revalidation of enrollment process; and
- (d) Within thirty-five (35) calendar days following any change in ownership of the disclosing entity.

9407.4 Fiscal agents and managed care entities shall also provide the disclosures and documentation required under §§ 9407.1 and 9407.2 at any of the following times:

- (a) Upon submission of a proposal in accordance with the District's procurement process;
- (b) Upon execution, renewal, or extension of a contract with the District; and
- (c) Within thirty-five (35) calendar days following any change in ownership of the fiscal agent or managed care entity.

**Section 9408 is amended to read as follows:****9408 CRIMINAL BACKGROUND CHECKS AND FINGERPRINTING**

- 9408.1 In accordance with 42 CFR § 455.434, a provider shall consent to criminal background checks, including fingerprinting, when required to do so under District laws and regulations or by the level of screening based on the risk of fraud, waste, or abuse as determined for that category of provider.
- 9408.2 For a provider categorized as “high” risk, the provider, or each individual with a five percent (5%) or greater direct or indirect ownership interest in the provider, shall submit fingerprints.
- 9408.3 Any other provider, or individual with a five percent (5%) or greater direct or indirect ownership interest in a provider, shall submit fingerprints upon request, in a form and manner as specified in the application, within thirty (30) calendar days from the date of the request from CMS or DHCF.

**Section 9409 is amended to read as follows:****9409 SITE VISITS**

- 9409.1 In accordance with 42 CFR § 455.432, DHCF shall conduct unannounced, pre-enrollment and post-enrollment site visits of providers who are designated as “moderate” risk or “high” risk. Site visits shall be used to verify the following:
- (a) The accuracy of the information submitted to DHCF;
  - (b) The operational status of the provider’s business; and
  - (c) The provider’s compliance with all applicable federal and District laws.
- 9409.2 For in-District providers, DHCF may conduct the required site visits or may, at DHCF’s discretion, rely on the results of a site visit conducted by another District government agency.
- 9409.3 For out-of-District provider, DHCF may rely upon the results of a site visit conducted by either the appropriate government agency of the state in which the provider is located or the Medicare program.
- 9409.4 In circumstances where all other options have been exhausted, DHCF reserves the right to satisfy the site visit requirement through a telephonic survey.
- 9409.5 DHCF reserves the right to conduct unannounced site visits of any provider at any point during the screening process and/or period of District Medicaid enrollment.

9409.6 Providers are required to permit on-site inspections conducted by the U.S. Department of Health and Human Services, including CMS, the Department of Health (DOH), DHCF, or any designee selected by any of the aforementioned.

**Section 9410 is amended to read as follows:**

**9410 DENIAL OF ENROLLMENT AND CONDITIONS FOR TERMINATION OF ENROLLMENT**

9410.1 Upon the occurrence of any of the circumstances described in this Section, any action taken by DHCF to terminate an existing provider agreement shall occur in accordance with the Medicaid Program Administrative Procedures set forth in 29 DCMR §§ 1300 *et seq.*

9410.2 In accordance with 42 CFR §§ 455.416 and 455.452, DHCF shall deny an application for enrollment or initiate termination of the provider agreement in all of the following circumstances:

- (a) The provider was terminated on or after January 1, 2011, under Title XVIII of the Social Security Act, or under the Medicaid program or Children's Health Insurance Program (CHIP) of any other state;
- (b) Any individual with a five percent (5%) or greater direct or indirect ownership interest in the provider failed to submit timely and accurate information and cooperate with any screening methods required under 42 CFR Part 455 Subpart E;
- (c) The provider or any individual with an ownership or control interest in the provider, or who is an agent or managing employee of the provider, fails to submit timely or accurate information, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing;
- (d) The provider, any individual with a five percent (5%) or greater direct or indirect ownership interest in the provider, or any individual who is an agent or managing employee of the provider, has been convicted of a criminal offense related to Medicare, Medicaid, or CHIP within the last ten (10) years, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing;
- (e) The provider, or any individual with a five percent (5%) or greater direct or indirect ownership interest in the provider, fails to submit fingerprints in the form and manner determined by DHCF within thirty (30) calendar days of a request by CMS or DHCF, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing;



- (f) The provider fails to permit access to provider locations for any site visits required pursuant to 42 CFR § 455.432, unless DHCF determines that denial or termination is not in the best interests of the District's Medicaid program and documents this determination in writing; or
- (g) The provider fails to comply with the terms of the provider agreement or any applicable District Medicaid program rules or requirements.

9410.3 In accordance with 42 CFR §§ 455.416 and 455.452, DHCF may deny an application for enrollment or initiate termination of the provider agreement of a provider if CMS or DHCF determines any of the following:

- (a) The provider falsified any information provided on or in support of the application;
- (b) The provider made a material omission on the application; or
- (c) The provider's identity cannot be verified.

9410.4 DHCF shall enforce all terminations that result from the Secretary of the U.S. Department of Health and Human Services mandatorily excluding individuals or entities from participating in any federal or state health care program, pursuant to 42 USC § 1320a-7(a), including any of the following:

- (a) Conviction of program-related crimes;
- (b) Conviction relating to patient abuse;
- (c) Felony conviction relating to health care fraud; or
- (d) Felony conviction relating to a controlled substance.

9410.5 DHCF shall enforce all terminations that result from the Secretary of the U.S. Department of Health and Human Services permissively excluding individuals and entities from participating in any federal or state health care program, pursuant to 42 USC § 1320a-7(b), for any of the following:

- (a) Conviction relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct;
- (b) Conviction in connection with the interference with, or obstruction of, any investigation or audit related to the use of funds received, directly or indirectly, from any federally funded health care program;
- (c) Misdemeanor conviction relating to a controlled substance;

- (d) License revocation or suspension by a state licensing authority, including surrendering of such a license held while formal disciplinary proceeding is pending;
- (e) Exclusion, suspension, or sanction from any federal or state program involving the provision of health care, including programs administered by the Department of Defense and Department of Veterans Affairs;
- (f) Submission of claims reflecting excessive charges and/or unnecessary services;
- (g) Failure to provide medically necessary services, and thereby adversely impacting covered individuals;
- (h) Committing acts that constitute fraud, facilitate kickbacks, and/or support other prohibited activities, pursuant to 42 USC §§ 1320a-7a, 1320a-7b, or 1320a-8;
- (i) Allowing a sanctioned individual to hold a five percent (5%) or greater direct or indirect ownership or control interest, serve as an officer, director, agent, or managing employee;
- (j) Allowing an individual to hold a direct or indirect ownership or control interest in a sanctioned entity when the individual knows, or should know, of the action that resulted in conviction or exclusion from Medicare or a state health care program;
- (k) Failure to disclose information required to process an application or revalidate enrollment, including requested information on subcontractors and/or suppliers;
- (l) Failure to permit examination of records supporting payment;
- (m) Failure to grant immediate access, upon reasonable request, to the Secretary, or designee; the Inspector General of the Department of Health and Human Services; or representatives of DHCF or the Medicaid Fraud Control Unit;
- (n) Failure of a hospital to comply substantially with corrective action commenced in accordance with 42 USC § 1395ww(f)(2)(B);
- (o) Default on health education loan or scholarship obligations by an individual, except physicians who provide unique services to the community serviced; or

- (p) Making false statements or misrepresentation of material facts in any application, agreement, bid, or contract to participate or enroll as a provider or supplier under a federal health care program.
- 9410.6 DHCF shall adhere to federal guidelines governing terminations that occur pursuant to this Section, as set forth in §§ 1128C through 1128G of the Social Security Act (42 USC §§ 1320a-7c through 1320a-7h).
- 9410.7 In accordance with 42 CFR § 455.16, DHCF shall initiate termination proceedings against a provider when the results of its own investigation indicate that the provider has done any of the following:
- (a) Made or caused to be made any false statement or misrepresentation of material fact in claiming, or in determining the right to, payment under the District Medicaid program;
  - (b) Furnished or ordered services under the District Medicaid program that are substantially in excess of the beneficiary's needs or that fail to meet professionally recognized standards for health care;
  - (c) Submitted or caused to be submitted to the District Medicaid program bills or requests for payment containing charges or costs that are substantially in excess of customary charges or costs; or
  - (d) Engaged in any other act of fraud or abuse related to the District Medicaid program.
- 9410.8 Nothing in this section shall supersede or lessen the force of any other laws or regulations that govern provider participation in the Medicaid program, including the Medicaid Fraud Enforcement and Recovery Amendment Act (D.C. Law 19-232; D.C. Official Code §§ 2-381.01 *et seq.* (2016 Repl.)) and any subsequent amendments thereto.
- 9410.9 Any provider who is classified as “limited” risk and who is denied enrollment or terminated from District Medicaid program participation shall be barred from participation with the District Medicaid program for three (3) years from the date of denial or termination.
- 9410.10 Any provider who is classified as “high” risk or “moderate” risk and who is denied enrollment or terminated from District Medicaid program participation shall be barred from participation with the District Medicaid program for five (5) years from the date of denial or termination.
- 9410.11 Any provider who is denied enrollment or terminated from District Medicaid program participation more than one (1) time shall be permanently barred from participation with the District Medicaid program.

9410.12 In accordance with Chapter 37 of Title 27 DCMR and Section III.A of the provider agreement, the Director may terminate a provider's enrollment with the District Medicaid program for convenience by serving written notice upon the provider in a manner that provides proof of receipt or proof of valid attempt to deliver (e.g. certified mail, return receipt requested, hand delivery) at least ninety (90) calendar days in advance of the proposed termination.

**Section 9411 is amended to read as follows:**

**9411 NOTICE AND APPEALS**

9411.1 If the Director proposes to deny enrollment to a provider pursuant to this chapter, then the Director shall send written notice to the affected party. The notice shall include the following:

- (a) The basis and reasons for the proposed denial of enrollment;
- (b) Information regarding the affected party's right to dispute the allegations and to submit evidence to support his or her position; and
- (c) Specific reference to the particular sections of relevant statutes, rules, provider agreement, guidance, and provider manuals for any unmet screening requirement and any deficiencies cited.

9411.2 Within thirty (30) calendar days of the date on the notice, the affected party may submit to DHCF documentary evidence and accompanying written argument against the proposed denial of enrollment.

9411.3 If the Director decides to deny enrollment after the provider files a response, then the Director shall send written notice of the denial of enrollment to the provider. The notice shall include the following:

- (a) The reason for the decision;
- (b) The effective date of the decision;
- (c) The earliest date on which the Director shall accept an application for enrollment;
- (d) The requirements and procedures for enrollment in the District's Medicaid program; and
- (e) Information regarding the provider's right to request a hearing by filing a notice of appeal with the Office of Administrative Hearings.

9411.4 If the provider files a notice of appeal within fifteen (15) calendar days of the date of the denial of enrollment, then the effective date of the proposed action shall be stayed pending a decision following final action by the Office of Administrative Hearings.

**A new Section 9412 is added to read as follows:**

**9412 PROVIDER INACTIVITY**

9412.1 DHCF may terminate enrollment of a provider due to inactivity if:

- (a) A provider fails to submit the first claim under the provider number initially issued to the provider within a period of twelve (12) months from the date the provider number was issued by DHCF or its designee; or
- (b) A provider number that has had at least one (1) Medicaid claim submitted for payment has no claim submitted under that provider number for twelve (12) consecutive months.

9412.2 At the conclusion of a period of twelve (12) consecutive months, during which there were no Medicaid claims submitted for payment under a particular provider number, DHCF shall issue a notice advising the provider of the pending termination of enrollment due to inactivity.

9412.3 A notice of termination due to provider inactivity shall:

- (a) Be issued to the provider thirty (30) calendar days prior to action by DHCF;
- (b) Be in writing;
- (c) Be mailed to a provider's last known mailing address;
- (d) State the reason for the termination due to inactivity;
- (e) State the effective date of the termination due to inactivity; and
- (f) Information regarding the provider's right to request a hearing by filing a notice of appeal with the Office of Administrative Hearings.

9412.4 A provider who seeks to remain in active status shall notify DHCF orally or in writing within thirty (30) calendar days of the date of the notice described at §§ 9412.2 and 9412.3.

9412.5 A provider who fails to notify DHCF pursuant to § 9412.4 shall be terminated upon the effective date stated in the notice described at §§ 9412.2 and 9412.3.

- 9412.6 DHCF shall not make payments for claims, submitted by any provider whose enrollment in has been terminated due to inactivity, for services rendered on or after the date of termination.
- 9412.7 All terminations initiated by the Director shall be in accordance with the District Medicaid Program Administrative Procedures set forth in Chapter 13 of Title 29 DCMR.

**A new Section 9413 is added to read as follows:**

**9413 CHANGE OF OWNERSHIP**

- 9413.1 The following shall constitute a change of ownership:
- (a) For a Partnership, the removal, addition, or substitution of a partner, unless the partners expressly agree that the removal, addition, or substitution of a partner shall not constitute a change of ownership;
  - (b) For unincorporated sole proprietorship, the transfer of title and property to another party;
  - (c) For a Corporation (for- and non-profit), the merger of the provider corporation into another corporation, or the consolidation of two or more corporations, resulting in the creation of a new corporation. Transfer of corporate stock or the merger of another corporation into the provider corporation does not constitute change of ownership; and
  - (d) For Leasing, the lease of all or part of a provider facility constitutes change of ownership of the leased portion.
- 9413.2 For the purposes of this chapter, the change in ownership occurs on the closing date, or on the effective date of the sale/transfer as otherwise indicated in the agreement between the current owner and the prospective new owner.
- 9413.3 All providers enrolled in District Medicaid, except for those enrolled only as ordering, prescribing, and referring providers, as described at § 9400.16, shall comply with the change of ownership requirements set forth in this section. This includes any out-of-District providers enrolled in District Medicaid, which shall be subject to the same change of ownership requirements as providers located within the District.
- 9413.4 Nothing in this section exempts an enrolled provider entity from compliance with the bulk sales requirements set forth in 9 DCMR § 4400.
- 9413.5 The current owner of an enrolled provider entity must notify DHCF of any anticipated change of ownership no fewer than thirty (30) calendar days prior to the change in ownership by completing the required notice form, available on DHCF's

website at [www.dc-medicaid.com](http://www.dc-medicaid.com), and submitting it to DHCF in accordance with the instructions provided on the notice form.

- 9413.6 The notice of an anticipated change in ownership referenced in § 9413.5 must include the following:
- (a) An assurance that disclosure has been made to the prospective new owner that the sale/transfer of the enrolled provider entity includes all known and unknown outstanding Medicaid liabilities; and
  - (b) An assurance that a plan has been established to ensure continuity of care for all Medicaid beneficiaries currently receiving services from the enrolled provider entity.
- 9413.7 The prospective new owner must successfully complete enrollment in District Medicaid, in accordance with the requirements set forth in this Chapter, before the change in ownership occurs. DHCF shall not make payments for claims submitted by a provider not enrolled in District Medicaid on the date the services were rendered, in accordance with § 9400.2.
- 9413.8 DHCF may authorize provisional enrollment in District Medicaid in accordance with the following requirements:
- (a) Provisional enrollment is limited to a Home Health Agency or DMEPOS provider awaiting CMS approval of an application for Medicare certification;
  - (b) The provider must meet all other District Medicaid screening and enrollment requirements set forth in § 9400; and
  - (c) Provisional enrollment will be limited to a period not to exceed twelve (12) months.
- 9413.9 When there is a change in ownership of an enrolled provider entity, the new owner shall be subject to the following:
- (a) A new District Medicaid provider ID number will be assigned to the new owner of an enrolled provider entity; however, the new owner shall not be considered a “new provider” for the purposes of determining Medicaid reimbursement rates;
  - (b) A provider agreement will be assigned to the new owner of an enrolled provider entity; however, the new owner shall remain subject to any and all outstanding terms and conditions contained in the existing provider agreement, including any plans of correction and pending audit findings, until such terms are satisfied; and

- (c) The new owner of an enrolled provider entity shall acquire any and all outstanding Medicaid liabilities of the previous owner, including any liabilities that were unknown at the time of the sale/transfer. All Medicaid liabilities due or payments made following the change of ownership, regardless of the date on which the corresponding service was rendered, shall be assigned to the new owner.

9413.10 DHCF reserves the right to exempt the sale/transfer of an enrolled provider entity from any of the requirements set forth in this section, including but not limited to the acquisition of outstanding Medicaid liabilities and the assignment of terms and conditions from the existing provider agreement, where DHCF determines that such exemption is in the policy interest, necessary to support continuity of care, necessary to ensure the availability of providers for a certain type of service, or for another reason as identified and approved by the Director.

**A new Section 9414 is added to read as follows:**

**9414 FINANCIAL VIABILITY STANDARDS**

9414.1 Each provider shall, at the time of application and upon request by DHCF, provide documented evidence of adequate financial resources to deliver all required services and operate a financially viable business, in accordance with the requirements below:

- (a) Financial resources are considered adequate if the provider has available cash reserves or line of credit sufficient to operate for a continuous three (3) month period; and
- (b) Documented evidence required of each provider includes current financial statements or pro forma compiled and approved by the managing officers of the corporation and an independent Certified Public Accountant (CPA).

9414.2 At the time of application and upon request by DHCF, each provider designated as “moderate” or “high” risk shall provide documentation of the following as proof of the provider’s financial viability:

- (a) A business plan, which shall include the following elements:
  - (1) A description of the provider’s business entity (*e.g.*, location, ownership, corporate structure, provider’s methods to obtain patients, and its plan to recruit and maintain staff);
  - (2) The number and functions of professional staff to be employed; and



- (3) A listing of services to be provided, either directly by the provider or through contractual arrangements with existing providers.
- (b) Financial accounting documents, which include a balance sheet, income and expense statement, and statement of cash flows for the first year of operation. All accounting documents required under this paragraph must be prepared in accordance with generally accepted accounting principles (GAAP);
- (c) Copies of the provider's bank statements showing available cash reserves or an available line of credit sufficient to operate the entity for a three (3) month period;
- (d) Proof of credit facilities or guarantees obtained from a financial institution or private entity;
- (e) Adequate internal controls for safeguarding or avoiding misuse of federal and District government funds;
- (f) Fiscal management policies and procedures and maintenance of financial records in accordance with GAAP; and
- (g) A Clean Hands certificate issued by the District of Columbia Office of Tax and Revenue.

9414.3 Providers and disclosing entities shall also provide the documentation required under § 9414.2 at each of the following times:

- (a) Upon submitting the application;
- (b) Upon execution of the provider agreement;
- (c) Upon request of DHCF during the revalidation process;
- (d) Within thirty-five (35) calendar days following any change in ownership of the disclosing entity.

9414.4 At each revalidation of enrollment, any provider designated as "moderate" or "high" risk shall have a compilation by an independent or certified public accounting firm, and the resulting compilation report shall be consistent with formats recommended by the American Institute of Certified Public Accountants. A copy of the compilation report and management letter shall be submitted to DHCF within one hundred twenty (120) calendar days after the close of the provider's fiscal year.

- 9414.5 Each provider shall maintain proof of liability insurance coverage, which must include malpractice insurance of at least three million dollars (\$3,000,000) aggregate and one million dollars (\$1,000,000) per incident and comprehensive general coverage of at least three million dollars (\$3,000,000) per incident that covers general liability, vehicular liability, and property damage. The insurance shall include coverage of all personnel, consultants, and volunteers working for the provider.
- 9414.6 Each provider shall ensure that all employees are paid in accordance with all applicable laws governing labor and employment as a condition of participation in the District Medicaid program.
- 9414.7 Each provider shall ensure that all business records pertaining to costs, payments received and made, and services provided to beneficiaries are maintained for a period of at least ten (10) years or until all audits and ongoing litigation is complete, whichever is longer.

**A new Section 9415 is added to read as follows:**

**9415 UNIVERSAL CONTRACTING**

- 9415.1 Effective October 1, 2020, all enrolled hospitals, hospital-affiliated physician groups, Federally Qualified Health Centers (FQHC), and FQHC Look-Alikes shall be required to contract with District Medicaid managed care organizations for the same scope of services set forth in their Medicaid provider agreements with DHCF.

**Section 9499 is amended to read as follows:**

**9499 DEFINITIONS**

- 9499.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

**Abuse** – Provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the District Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care.

**Disclosing Entity** - A prospective or enrolled Medicaid provider (other than an individual practitioner or group of practitioners), or a fiscal agent.

**Fiscal Agent** - A contractor that processes or pays vendor claims on behalf of the Medicaid agency.

**Federal Health Care Program** - Shall have the meaning ascribed in 42 USC § 1320a-7b(f).

**FQHC Look-Alike** – Community-based health care providers that meet the requirements of the Health Resources and Services Administration Health Center Program, established in accordance with Section 330 of the Public Health Service Act, but do not receive Health Center Program funding.

**Fraud** - An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or some other person, including any act that constitutes fraud under applicable federal or District law.

**Hospital-Affiliated Physician Group** – An entity or group of licensed physicians operating under the terms of a contract or other business arrangement with a hospital for the purposes of managing a health care practice or providing medical services to patients.

**In-District Provider** - A prospective or enrolled Medicaid provider located inside of the District of Columbia Consolidated Metropolitan Statistical Area, as defined by the United States Census Bureau.

**Indirect Ownership Interest** - An ownership interest in an entity that has any ownership interest, direct or indirect, in the disclosing entity.

**Medicaid Provider** – Any District Medicaid-enrolled health care provider, including individual practitioners, institutional providers, and suppliers of medical equipment or goods related to care.

**Medicaid Provider Application** - The general or provider-specific application developed by DHCF and required to initiate participation as a District Medicaid provider.

**Out-of-District Provider** – A prospective or enrolled Medicaid provider located outside of the District of Columbia Consolidated Metropolitan Statistical Area, as defined by the United States Census Bureau.

**Ownership Interest** - The possession of equity in the capital, stock or profits of a disclosing entity, including a direct or indirect ownership interest.

**Provider** – A prospective or enrolled Medicaid provider, including any individual practitioner, institutional provider, suppliers of medical equipment or goods, corporate entity, or principals and directors of such corporate entity.

**Provider Agreement** - Official enrollment document establishing roles, responsibilities, and rights of a District Medicaid provider.

**Qualified Medicare Beneficiary** - An individual entitled to Medicare Part A, with or without payment of premiums, whose entitlement is not solely based on

eligibility to enroll under Section 1818A of the Social Security Act and who meets certain financial requirements.

Comments on these rules should be submitted in writing to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street N.W., Suite 900S, Washington, D.C. 20001, via telephone at (202) 442-8742, or via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

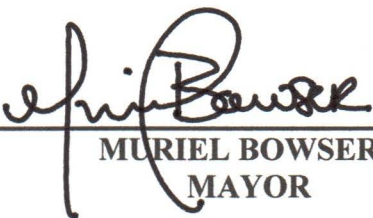
Mayor's Order 2020-096  
September 17, 2020

**SUBJECT:** Display of the Flags of the United States of America and the District of Columbia on September 18, 2020 in honor of Former DC Shadow Senator Florence Pendleton

**ORIGINATING AGENCY:** Office of the Mayor

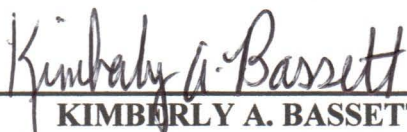
By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (11) (2016 Repl.), it is hereby **ORDERED** that:

1. All flags of the United States of America and the District of Columbia shall be displayed at half-staff on September 18, 2020 at buildings, facilities and other properties under the control of the government of the District of Columbia in honor of former District of Columbia Shadow Senator Florence Pendleton.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


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 MURIEL BOWSER  
 MAYOR

**ATTEST:**   


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 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-097  
September 18, 2020


**SUBJECT:** Delegation – Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the District-owned Real Property Known as Old Engine Company 22, Located at 5764 Georgia Avenue, NW and Known as Parcel #87/5 (“Property”)

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:


1. The Deputy Mayor for Planning and Economic Development (“Deputy Mayor”) is delegated the authority vested in sections 1 through 3 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code §§ 10-801 *et seq.* and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, 58 Stat. 819, D.C. Official Code § 1-301.01(c) to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development, or use of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, right of entry agreements, covenants, and other associated documents, and to take all other actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all prior Mayor’s Orders to the extent of any inconsistency.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



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MURIEL BOWSER  
MAYOR

ATTEST: 

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KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**DEPARTMENT OF BEHAVIORAL HEALTH**

**NOTICE OF FUNDING AVAILABILITY**

**District of Columbia Opioid Response (DCOR2) Grant Opportunities**  
 RFA No. RM0 DOR092520

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Behavioral Health’s intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DBH terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	District of Columbia Opioid Response (DCOR2) Grant Opportunities
Funding Opportunity Number:	RM0 DOR092520
Opportunity Category:	Competitive
DBH Administrative Unit:	Adult Services Administration
Program Contact:	Julie Wiegandt Julie.Wiegandt@dc.gov
Program Description:	This RFA identifies opportunities for organizations in the District to provide prevention, treatment, and recovery support services to individuals with Opioid Use Disorder and Stimulant Use Disorder.
Eligible Applicants:	<ol style="list-style-type: none"> <li>1. A not-for-profit organization located in the District of Columbia (DC) and licensed by the DC Department of Client and Regulatory Affairs (DCRA) to conduct business.</li> <li>2. Ability to enter into an agreement with DBH requiring compliance with all governing federal and District of Columbia laws and regulations, including Substance Use Disorders and Mental Health Grants (22-A DCMR Chapter 44).</li> </ol>
Anticipated Number of Awards:	Competition 1: Up to 1 award Competition 2: Up to 2 awards Competition 3: Up to 4 awards Competition 4: Up to 17 awards
Anticipated Amount Available:	Competition 1: Up to \$1,436,896 Competition 2: Up to \$317,200 Competition 3: Up to \$1,375,000 Competition 4: Up to \$613,360
Floor Award Amount:	N/A
Ceiling Award Amount:	Competition 1: Up to \$1,436,896



	Competition 2: Up to \$317,200 Competition 3: Up to \$1,375,000 Competition 4: Up to \$613,360
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**Funding Authorization:**

Legislative Authorization:	Title II Division H of the Consolidated Appropriations Act 2020
Associated CFDA#:	93.788
Associated Federal Award ID#:	1H79TI083311-01
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, September 25, 2020
Pre-Application Conference (Date):	Friday, October 2, 2020
Pre-Application Conference (Time):	Competition 1: 10:00-10:45am Competition 2: 11:00-11:45am Competition 3: 1:00-1:45pm Competition 4: 2:00-2:45pm
Pre-Application Conference (WebEx/Conference Call Access):	Please find access information (web link and phone number) for each competition in Request for Application.
Letter of Intent to Apply Due Date:	Tuesday, September 29, 2020
Application Deadline Date:	Monday, October 26, 2020
Application Deadline Time:	12:00 pm
Links to Additional Information about this Funding Opportunity:	DC Grants Clearinghouse <a href="https://communityaffairs.dc.gov/content/community-grant-program">https://communityaffairs.dc.gov/content/community-grant-program</a>  DBH RFA Opportunities <a href="https://dbh.dc.gov/page/request-applications-001">https://dbh.dc.gov/page/request-applications-001</a>

Notes:

- A. DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
- B. Awards are contingent upon the availability of funds.
- C. Individuals are not eligible for DBH grant funding.
- D. Applicants must have a DUNS#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).
- E. Contact the program manager assigned to this funding opportunity for additional information.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

Address:	Square:	Lot:
824 Buchanan Street, NE	3794	0008

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2020**, for the following reasons:

*You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*

*(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as (Class1/Class2). You may email OTR at [adjustments@dc.gov](mailto:adjustments@dc.gov) to request a corrected bill within 5 to 7 business days. DCRA reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained. If you have questions regarding this decision please contact Theresa Hollins, Program Support Specialist at (202) 805-8344.

Sincerely,

Donald Sullivan  
Program Manager  
Vacant Building Enforcement

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE****Anacostia River Sediment Project: Interim Record of Decision**

Notice is hereby given that the Department of Energy and Environment (the Department) will make available an Interim Record of Decision for the Anacostia River Sediment Project (ARSP) on September 30, 2020.

The Interim Record of Decision is a limited-scope early action selected for the Washington DC portion of the ARSP study area and selects remedies for PCB contamination at 11 early action areas (EAAs) in the main stem of the Anacostia River, Kingman Lake, and Washington Channel. Collectively, the 11 EAAs encompass approximately 77 acres of the total 815-acre study area and are generally the areas that contain the highest concentrations of PCBs in the study area, excluding areas for which a particular land-based source of pollution has been identified. The remedial alternatives selected for the EAAs vary by area and include enhanced monitored natural recovery, dredging and disposal, and containment of contaminated sediments.

Beginning September 30, 2020, a person may obtain a copy of the Interim Record of Decision by downloading a copy from the Department's website: <https://www.anacostiasedimentproject.com>.

By October 30, 2020, the following local libraries will have copies of the Interim Record of Decision available for review during normal business hours:

- Francis A. Gregory (3660 Alabama Avenue SE)
- Benning (Dorothy I. Height) Neighborhood Library (3935 Benning Road NE)

For further information about the site and remedy selected, please email Gretchen Mikeska at [anacostiariversedimentproject@dc.gov](mailto:anacostiariversedimentproject@dc.gov).

## DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF AN APPLICATION  
TO PERFORM VOLUNTARY CLEANUP**

**1319 South Capitol Street SW  
Case No. VCP2020-069**

Pursuant to § 601 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312, as amended April 8, 2011, D.C. Law 18-369; D.C. Official Code § 8-636.01), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for the property located at 1319 South Capitol Street SW, Washington, DC 2000, Square 0653 and parcel 1 through 14 is 1319 South Capitol Owner, LLC, and 1420 Spring Hill Road, suite 420 McLean, Virginia, 22102. The application identifies the presence of Total Petroleum Hydrocarbon (TPH) contamination, PAHs, PCBs, and RCRA Metals in soil and groundwater. The Subject Property will be redeveloped for residential use and will include excavation for two (2) or three (3) levels of below grade parking.

Pursuant to D.C. Official Code § 636.01(b), this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6D06) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program  
Department of Energy and Environment (DOEE)  
1200 First Street, NE, 5<sup>th</sup> Floor  
Washington, DC 20002

Interested parties may also request a copy of the application and supporting documents by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-1771. An electronic copy of the application may be obtained by contacting Kokeb Tareegn, Environmental Engineer at [Kokeb.Tareegn@dc.gov](mailto:Kokeb.Tareegn@dc.gov).

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within fourteen (14) business days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2020-069 in any correspondence related to this application.

**DEPARTMENT OF FORENSIC SCIENCES****NOTICE OF PUBLIC MEETING****Science Advisory Board Meeting****Friday, October 16, 2020****9:00 a.m.****Draft Agenda**

On Friday, October 16, 2020, the Department of Forensic Sciences will be hosting a Science Advisory Board Meeting via Web-Based Conferencing (WebEx). The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202-727-8267. Mr. Thomas can also be reached at [Herbert.Thomas@dc.gov](mailto:Herbert.Thomas@dc.gov).

Roll Call, Review of Minutes from Last Meeting, Approval of Minutes

Director's Update

Quality Update

Public Health Laboratory Update

Forensic Science Laboratory Update

Old Business, New Business

Closing and Adjournment

**FRIENDSHIP PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective vendors to provide:

- **Covid 19 testing services** from licensed vendors with high quality laboratory services for 24 to 48 hour results turn around.

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Friday, October 9, 2020. No proposals will be accepted after the deadline. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org).

**D.C. GREEN FINANCE AUTHORITY**  
**NOTICE OF SPECIAL MEETING OF THE**  
**BOARD**

The D.C. Green Finance Authority will conduct a special meeting of the Board, pursuant to the Open Meetings Act, (DC Official Code §2-574(1)).

The purpose of the special meeting is to discuss a personnel matter.

The date, time and location of the Special Meeting shall be as follows:

**Date:** Thursday, September 17, 2020

**Time:** 2:00 PM – 3:00 PM

**Location:** - Microsoft Teams Call -  
Pre-registration required, email [info@dcgreenbank.org](mailto:info@dcgreenbank.org) for  
more information

**Contact:** [info@dcgreenbank.org](mailto:info@dcgreenbank.org)

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF AWARD

Nonprofit Capacity Support Grant

The Department of Housing and Community Development (DHCD), pursuant to D.C. Official Code § 1-309.10(b), has determined that good cause exists to shorten the Advisory Neighborhood Commission (ANC) notice period and announces the proposed award of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Coronavirus (CDBG-CV) funds to support housing and community development nonprofits that have experienced an increase in administrative costs, constituent requests or other disruptions to normal operations due to COVID-19. Requests for applications were received from June 29, 2020 through July 22, 2020.

Nonprofit organizations were eligible to receive up to \$50,000 in assistance based on eligible reimbursable expenses. DHCD has determined that just cause exists to shorten the ANC notice comment period because there is an urgent need to finalize the subgrant awards and expeditiously disburse grant funds to nonprofit organizations that are serving community needs and have an immediate need for financial assistance to prevent and respond to COVID-19. DHCD will finalize the subgrant awards five (5) business days from the date of publication of this Notice in the DC Register.

- |   |   |
|---|---|
| ARCH Development Corporation - \$50,000                             | \$50,000  |
| Bread for the City - \$24,382                                       | Healthy Babies Project, Inc. - \$50,000                                       |
| Calvary Women’s Services, Inc. - \$32,298                           | Homeless for Hope - \$48,500  |
| CapoeriaDC - \$48,203   | House of Ruth - \$50,000  |
| Central American Resource Center<br>(CARECEN) - \$50,000            | Housing Counseling Services, Inc. - \$30,000                                  |
| Central Community Development<br>Corporation - \$45,162             | Housing Up - \$40,000   |
| CHV Tenants Association - \$29,500                                  | Jubilee Housing - \$50,000  |
| Columbia Heights Day Initiative/District<br>Bridges - \$10,000      | Manna, Inc. - \$50,000  |
| DC Central Kitchen - \$50,000                                       | Marshall Heights Community Development<br>Org., Inc. - \$40,000               |
| Diane’s House - \$40,560  | Mi Casa, Inc. - \$39,000  |
| District Alliance for Safe Housing, Inc. –<br>\$50,000              | Miriam’s Kitchen - \$50,000   |
| Dreamers and Achievers - \$50,000                                   | Mission First Housing Development<br>Corporation - \$50,000                   |
| East of the River Clergy Police Community<br>Partnership - \$50,000 | Neighborhood Legal Services Program of<br>the District of Columbia - \$50,000 |
| Far South East Family Strengthening<br>Collaborative - \$49,814.62  | New Endeavors by Woman - \$36,027.47  |
| Friends of Rhode Island Ave. - \$49,741                             | Opportunities Industrialization Center of DC<br>- \$50,000                    |
| Greater DC Diaper Bank - \$50,000                                   | Pathways to Housing DC - \$50,000   |
| Habitat for Humanity of Washington, DC –                            | RAP, Inc. - \$49,805  |
|   | SB Works - \$50,000   |
|   | Suited for Change - \$21,000  |



University Legal Services - \$15,500  
Veterans on the Rise - \$50,000  
Vida Senior Center - \$49,996  
Ward 7 Business Partnership - \$30,000  
Washington Area Community Investment

Fund, Inc. - \$50,000  
Washington DC Fashion Foundation –  
\$50,000  
Woodley House, Inc. - \$48,697  
Young Woman’s Christian Home - \$37,500

For questions contact: [nba.rfa@dc.gov](mailto:nba.rfa@dc.gov).

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY  
PUBLIC CHARTER SCHOOL  
NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES**

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Online Tutoring Services

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 11/6/2020. Contact: [bids@ideapcs.org](mailto:bids@ideapcs.org)

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Equity in Early Childhood Education Instructional Practices**

KIPP DC is soliciting proposals from qualified vendors for Equity in Early Childhood Education Instructional Practices. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on October 6, 2020. Questions can be addressed to [stacie.kossoy@kippdc.org](mailto:stacie.kossoy@kippdc.org).

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF FILING****Z.C. Case No. 20-22****(CQ Metro Land, LLC – Map Amendment for Square 5860, Lots 1039, 1040, and 1041  
September 16, 2020****THIS CASE IS OF INTEREST TO ANC 8A and 8C**

On August 8, 2020, the Office of Zoning received a petition from CQ Metro Land, LLC (the “Petitioner”) for approval of a map amendment for the above-referenced property. The subject property is vacant land located in southeast Washington, D.C. (Ward 8), adjacent to Howard Road, S.E., I-295, and Suitland Parkway, S.E. and adjacent to the Anacostia Metrorail Station. The subject property consists of Lots 1039, 1040, and 1041 in Square 5860. (NOTE: Due to an issue with data updates, Lots 1039-1041 (as recorded in A&T Book 57, 3883-W) are not currently visible on the Zoning Map. Lot 1039 currently appears as Lot 1022 in Square 5860 and Lots 1040 and 1041 have not been subdivided from Lot 817 in Square 5788. Data updates to properly reflect the lots are in process.) The property is currently unzoned. The petitioner is proposing to zone the property to the North Howard Road (“NHR”) zone.

The purposes of the NHR zone are to:

- Assure development of the area with a mix of residential & commercial uses, and a suitable height, bulk, & design of buildings, as generally indicated in the Comprehensive Plan;
- Encourage a variety of visitor-related uses, such as retail, service, and entertainment;
- Provide for increased height & density associated with increased affordable housing;
- Encourage superior architecture & design in all buildings and publicly accessible outdoor spaces;
- Require preferred ground-level retail & service uses along Howard Road, S.E.;
- Provide for the development of Howard Road, S.E. as a pedestrian- and bicycle-friendly street, with street-activating uses & connections to metro and the broader neighborhood; and
- Encourage the inclusion of a bicycle track along Howard Road.

The NHR zone requires 12% of Inclusionary Zoning (“IZ”) at median family incomes (“MFI”) of 60% and 50% and requires construction to the LEED-Gold standard. (See Subtitle K §§ 1002 and 1008.) The NHR development standards are as follows: the maximum density permitted is 9.0 floor area ratio (“FAR”) with a minimum of 2.5 FAR of residential development (except as provided by Subtitle K § 1009); the maximum height ranges from 90 feet to 130 feet, depending on the width of the right-of-way (see Subtitle K § 1001); and the maximum lot occupancy is 100%.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For more information, contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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