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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-426, Fiscal Year 2021 Budget Support Congressional Review Emergency Act of 2020
- D.C. Council enacts Act 23-430, Business Support Grants Congressional Review Emergency Amendment Act of 2020
- D.C. Council enacts Act 23-435, Unemployment Benefits Extension Emergency Amendment Act of 2020
- D.C. Council enacts Act 23-437, Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020
- D.C. Council enacts Act 23-452, Rent Control Housing Database Deadline Extension Emergency Amendment Act of 2020
- D.C. Council schedules a public hearing to discuss expanding student access to period products (Bill 23-887), education and credit continuity (Bill 23-0921), and selective service federal benefits awareness (Bill 23-579)
- Department of Energy and Environment updates regulations for the electronics stewardship program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA
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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-421

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

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

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

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

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

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

"(13) All maternal mortalities.".

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

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

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

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

"(A) Acute myocardial infarction;

"(B) Acute renal failure;

"(C) Adult respiratory distress syndrome;

"(D) Air and thrombotic embolism;

"(E) Amniotic fluid embolism;

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-422

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

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

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

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

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

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

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

"(12) Take all reasonable steps to inform all residents and voters of elections and means of casting votes therein, including by establishing a system to permit voters to elect to receive a voter guide by electronic means in lieu of by mail, if such a guide is published by the Board; provided, that for the November 3, 2020, General Election, the Board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

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

(a) Paragraph (3)(K) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (4)(B) is amended by striking the period and inserting the phrase "; and" in its place.

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

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

Sec. 3. Section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended as follows:

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

(b) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its place.

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

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

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

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

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

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

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

"(A) Demographic information, including:

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

"(ii) Sex;

"(iii) Gender;

"(iv) Race; and

"(v) Ethnicity;

"(B) Enrollment data, including:

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

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

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

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

"(v) The student's grade level;

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

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

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

"(C) Attendance data;

"(D) Performance data, including:

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

"(ii) Grade advancement for students enrolled; and

"(E) Discipline data, including:

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

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

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

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

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

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

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

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

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

"(A) Demographic information, including:

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

"(ii) Sex;

"(iii) Gender;

"(iv) Race; and

"(v) Ethnicity;

"(B) Enrollment data, including;

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

ENROLLED ORIGINAL

Sec. 5. Section 3c of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), is amended by adding a new subsection (f) to read as follows:

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

To symbolically designate, on an emergency basis due to congressional review, 16th Street, N.W., between H Street, N.W., and K Street N.W., in Ward 2, as Black Lives Matter Plaza.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Black Lives Matter Plaza Designation Congressional Review Emergency Act of 2020".

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

Sec. 3. Applicability.

This act shall apply as of September 1, 2020.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

TITLE I. APPRAISAL MANAGEMENT COMPANY REGULATIONS

Sec. 101. Definitions.

For purposes of this act, the term:

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

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

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

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

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

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

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

(5) "Appraisal management services" means one or more of the following:

(A) Recruiting, selecting, and retaining appraisers;

(B) Contracting with state-certified or state-licensed appraisers to perform appraisal assignments;

(C) Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants, collecting fees from creditors and secondary market participants for services provided, and paying appraisers for services performed; and

(D) Reviewing and verifying the work of appraisers.

(6) "Appraisal panel" means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. Appraisers on an appraiser panel include both appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions, and appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contract or if the appraiser is treated as an independent contractor by the appraisal management company for purposes of federal income taxation.

(7) "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment and is related to the appraiser's data collection, analysis, opinions, conclusions, estimate of value, or compliance with the uniform standards of professional appraisal practice. This term does not include:

(A) A general examination for grammatical, typographical, or other similar errors;

(B) A general examination for completeness, including regulatory or client requirements as specified in the agreement process that does not communicate an opinion of value.

(8) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

(9) "Consumer credit" means credit offered or extended to a consumer primarily for personal, family, or household purposes.

(10) "Controlling person" means:

(A) An officer, director, or owner of greater than a 10% interest of a corporation, partnership, or other business entity seeking to act as an appraisal management company;

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

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

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

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

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

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

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

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

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

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

(19) "Federally related transaction" means any real-estate-related financial transaction that involves an insured depository institution regulated by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, or National Credit Union Administration and that requires the services of an appraiser under the interagency appraisal rules.

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

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

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

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

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

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

Sec. 102. Administration.

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

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

(c) The Department shall perform the following functions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 103. Appraisal panel size and calculation.

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

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

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

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

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

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

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

Sec. 104. Registration.

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

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

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

Sec. 105. Reporting requirements.

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

(b) A federally regulated appraisal management company operating in the District must report to the Department the information required to be submitted by the District to the Appraisal Subcommittee, pursuant to the Appraisal Subcommittee's policies regarding the determination of the appraisal management company National Registry fee. These reporting requirements will be set forth by the Department by rule, and will include:

(1) A report to the Department on a form prescribed by the Department of intent to operate in the District of Columbia;

(2) Information related to whether the appraisal management company is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state for a substantive cause, as determined by the Appraisal Subcommittee; and

(3) If such a person has had such action taken on his or her appraisal license, information related to whether the license was revoked for a substantive cause and whether it has been reinstated by the state or states in which the appraiser was licensed or certified.

Sec. 106. Appraisal management company requirements.

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

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

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

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

(C) Be of good moral character;

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

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

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

(b) An appraisal management company that has a reasonable basis to believe an appraiser has materially failed to comply with applicable laws or rules or has materially violated the USPAP shall refer the matter to the Department in conformance with applicable federal laws and regulations.

Sec. 107. Verification of licensure or certification.

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

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

Sec. 108. Retention of records.

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

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

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

Sec. 109. Payment to appraisers.

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

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

Sec. 110. Prohibited conduct.

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

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

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

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

(A) Withholding payment for appraisal services;

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

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

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

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

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

(A) The appraiser's illegal conduct;

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

(C) Improper or unprofessional conduct; or

(D) Substandard performance or other substantive deficiencies;

(6) Require an appraiser to sign any indemnification agreement that would require the appraiser to defend and hold harmless the appraisal management company or any of its agents or employees for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company or its agents, employees, or independent contractors and not the services performed by the appraiser;

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

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

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

(10) Fail to fully cooperate in any investigation.

Sec. 111. Disciplinary proceedings.

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

Sec. 112. Criminal history checks.

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

TITLE II. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 201. Applicability

This act shall apply as of October 7, 2020.

Sec. 202. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 203. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

To enact and amend, on an emergency basis, due to congressional review, provisions of law necessary to support the Fiscal Year 2021 budget.

TABLE OF CONTENTS

ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2021 Budget Support Congressional Review Emergency Act of 2020".

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. ARCHIVES ADVISORY GROUP

Sec. 1001. Short title.

This subtitle may be cited as the "Archives Advisory Group Congressional Review Emergency Act of 2020".

Sec. 1002. Archives Advisory Group.

(a) There is established an Archives Advisory Group to advise the Council of the District of Columbia about Project AB102C in the District's Capital Improvement Plan to construct a new archives facility for the District of Columbia.

(b) The Archives Advisory Group shall consist of no fewer than 5 members and no more than 11 members, all appointed by the Chairman of the Council.

(c) The Archives Advisory Group shall consider such matters as schedule, cost, and building attributes regarding a new archives facility. The group shall make recommendations to the Council whenever useful to the Council's deliberative process.

(d) The Archives Advisory Group shall have access to all draft and final documents relevant to planning and costing a new archives facility, including any feasibility study; provided, that requests for documents shall be made through the Chairman of the Council.

(e) The Archives Advisory Group shall not be subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*); provided, that all meetings shall be open to the public.

(f) Members of the Archives Advisory Group shall not be reimbursed for expenses, or compensated. Any other necessary resources shall be coordinated by the Secretary to the Council.

SUBTITLE B. AUDIT ENGAGEMENT FUND

Sec. 1011. Short title.

This subtitle may be cited as the "Audit Engagement Fund Congressional Review Emergency Act of 2020".

Sec. 1012. Audit Engagement Fund.

(a) There is established as a special fund the Audit Engagement Fund ("Fund"), which shall be administered by the Office of the District of Columbia Auditor in accordance with subsection (c) of this section.

(b) The following shall be deposited into the Fund:

(1) All unspent local fund monies remaining in the operating budget for the Office of the District of Columbia Auditor at the end of each fiscal year; and

(2) Any other funds received on behalf of the Fund or the Office of the District of Columbia Auditor for the purpose of performing audits.

(c) Money in the Fund shall be used for operating expenses related to performing audits.

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

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

SUBTITLE C. FREEZE ON PAY INCREASES AND BENEFITS

Sec. 1021. Short title.

This subtitle may be cited as the "Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Congressional Review Emergency Act of 2020".

Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) "CMPA" means the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

(2) "Covered agency" means an agency, office, or instrumentality of the District government and independent agencies, as defined in section 301(13) of the CMPA (D.C. Official Code § 1-603.01(13)); except, that the term "covered agency" does not include the District of Columbia Housing Authority, the District of Columbia Housing Finance Agency, the District of

Columbia Public Charter School Board, the District of Columbia Water and Sewer Authority, the Not-for-Profit Hospital Corporation, the Board of Trustees of the University of the District of Columbia, or the Washington Convention and Sports Authority.

(3) "Negotiated salary schedule" means a salary schedule specified in a collective bargaining agreement.

(4) "Negotiated salary, wage, and benefits provision" means the salary and benefits provided in a collective bargaining agreement.

(5) "Personnel authority" shall have the same meaning as set forth in section 301(14) of the CMPA (D.C. Official Code § 1-603.01(14)).

Sec. 1023. Freeze on cost-of-living adjustments.

Notwithstanding any other provision of law, rule, or collective bargaining agreement, an employee of a covered agency shall not receive a cost-of-living adjustment during the period from October 1, 2020, through September 30, 2021. Nothing in this subtitle shall be construed to prohibit collective bargaining on non-compensation issues.

Sec. 1024. Maintenance of Fiscal Year 2020 salary schedules and benefits.

Notwithstanding any other provision of law, collective bargaining agreement, memorandum of understanding, side letter, or settlement, whether specifically outlined or incorporated by reference, all Fiscal Year 2020 salary schedules of covered agencies shall be maintained during Fiscal Year 2021 and no increase in salary or benefits, including increases in negotiated salary, wage, and benefits provisions, and negotiated salary schedules, shall be provided in Fiscal Year 2021 from the Fiscal Year 2020 salary and benefits levels of covered agencies.

Sec. 1025. Rules.

To the extent authorized by the CMPA or other applicable law to issue rules to administer the salary or benefits program of a covered agency, the personnel authority for a covered agency may, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules to implement this subtitle.

Sec. 1026. Revised revenue contingency.

Notwithstanding any other provision of law, a portion of the amount of local recurring revenues included in the Chief Financial Officer's revenue estimates issued prior to January 1, 2021, that exceeds the April 24, 2020, revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2021 shall be deposited in the Workforce Investment Account to satisfy the Fiscal Year 2021 negotiated salary adjustments set aside by section 1023 for employees in the bargaining units covered by the collective bargaining agreements approved pursuant to the Interest Arbitration Award and Collective Bargaining Agreement between the

District of Columbia Public Schools and the Office of the State Superintendent of Education and the American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO Emergency Approval Resolution of 2020, effective March 3, 2020 (Res. 23-374; 67 DCR 2735), and the Compensation Collective Bargaining Agreement between the District of Columbia Government and Compensation Units 1 and 2, FY 2018-FY2021, Approval Resolution of 2018, deemed approved February 23, 2018 (P.R. 22-738); provided, that if amounts certified in a single revenue estimate are insufficient to satisfy the combined value of the negotiated salary adjustments under both agreements, the Mayor or appropriate personnel authority shall consult with the affected bargaining units as to how the available funds shall be allocated.

SUBTITLE D. ADVISORY NEIGHBORHOOD COMMISSIONS TECHNICAL SUPPORT AND ASSISTANCE

Sec. 1031. Short title.

This subtitle may be cited as the "Advisory Neighborhood Commissions Technical Support and Assistance Amendment Congressional Review Emergency Act of 2020".

Sec. 1032. The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*) is amended as follows:

(a) Section 16(j)(3)(A)(iii) (D.C. Code § 1-309.13(j)(3)(A)(iii)), is amended by striking the phrase "shall return to the District's General Fund" and inserting the phrase "shall be deposited in the Advisory Neighborhood Commissions Technical Support and Assistance Fund established in section 16a" in its place.

(b) A new section 16a is added to read as follows:

"Sec. 16a. Advisory Neighborhood Commissions Technical Support and Assistance Fund.

"(a) There is established as a special fund the Advisory Neighborhood Commissions Technical Support and Assistance Fund ("Fund"), which shall be administered by the Office of Advisory Neighborhood Commissions in accordance with subsection (c) of this section.

"(b) Money from the following sources shall be deposited in the Fund:

"(1) Such amounts as may be appropriated to the Fund; and

"(2) Any amounts allocated to Advisory Neighborhood Commissions pursuant to section 738(e) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code Official § 1-207.38(e)), that are forfeited pursuant to section 16(d)(3) or (j)(3) or unclaimed by the last day of the fiscal year.

"(c) Money in the Fund shall be used to provide the following services and supports at the request of Advisory Neighborhood Commissions subject to such limitations or prioritization as the Office may establish due to limitation of funding:

"(1) Planning, development, or procurement of a mobile or computer application to assist Advisory Neighborhood Commissioners with outreach and engagement with their constituents;

"(2) Supplementing any funding allocated for communications access services, including sign language interpretation, computer-aided real-time transcription, and other services and supports, for Advisory Neighborhood Commissions; provided, that the funding allocated for this purpose proves insufficient;

"(3) Ensuring that Advisory Neighborhood Commissions have access to remote meeting technologies necessary for their operations;

"(4) Providing or procuring audio-visual technology and services to support Advisory Neighborhood Commissions;

"(5) Providing or procuring printing services for Advisory Neighborhood Commissions; and

"(6) Providing or procuring website assistance for Advisory Neighborhood Commissions.

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

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

SUBTITLE E. RENEWABLE ENERGY FUTURE

Sec. 1041. Short title.

This subtitle may be cited as the "Renewable Energy Future Congressional Review Emergency Amendment Act of 2020".

Sec. 1042. The Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.01, *et seq.*), is amended as follows:

(a) Section 1026 (D.C. Code § 10-551.05) is amended as follows:

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

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

(B) Paragraph (9) is amended by striking the period and inserting a semicolon in its place.

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

"(10) Any study of the feasibility of initiating or expanding renewable energy generation, which shall include an analysis of the potential for capturing solar or other forms of renewable energy that is conducted pursuant to subsection (c-1) of this section.".

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

"(c-1) The Department shall produce and publish on its website an analysis of the feasibility of initiating or expanding renewable energy generation, including an analysis of the potential for capturing solar or other forms of renewable energy at each District-owned property under the control of the Mayor on a rolling basis, with each property re-analyzed no less than once every 10 years.".

(b) A new section 1028d is added to read as follows:

"Sec. 1028d. Renewable energy generation at District-owned properties.

"(a) Subject to the availability of funding, the Department shall initiate or expand renewable energy generation at every District-owned property under the control of the Mayor where doing so is found feasible by the analysis required by section 1026(c-1).

"(b) Notwithstanding the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), or any other provision of District law or regulation, any contract entered into to implement this section, absent a waiver pursuant to section 2351 of the CBE Act (D.C. Official Code § 2-218.51), shall:

"(1) Be awarded to a qualified small business enterprise; provided, that if the Department determines that there are not at least 2 qualified small business enterprises that can provide the services or goods that are the subject of the contract, the Department may use any qualified certified business enterprise; or

"(2) Require that at least 50% of the dollar volume of the contract shall be subcontracted to qualified small business enterprises; provided, that if there are insufficient qualified small business enterprises to meet the requirement and best efforts are made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work, then the subcontracting requirement may be satisfied by subcontracting 50% of the dollar volume to any qualified certified business enterprise.".

SUBTITLE F. DC CENTER FOR THE LGBT COMMUNITY GRANT

Sec. 1051. Short title.

This subtitle may be cited as the "The DC Center for the LGBT Community Support Congressional Review Emergency Act of 2020".

Sec. 1052. For Fiscal Year 2021, the Department of General Services shall award the DC Center for the LGBT Community a grant in the amount of $70,000 to sustain its operations while the organization anticipates an upcoming move.

SUBTITLE G. ACCESS TO JOBS

Sec. 1061. Short title.

This subtitle may be cited as the "Access to Jobs Congressional Review Emergency Amendment Act of 2020".

Sec. 1062. Section 3(b)(2) of the Office on Ex-Offender Affairs and the Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(b)(2)), is amended by adding new subparagraph (L) to read as follows:

"(L) Establish and implement a pilot program to support the employment of 10 returning citizens through grants to employers for 2 years beginning in Fiscal Year 2021; provided, that:

"(i) To qualify for the pilot program, an eligible employer shall:

"(I) Register with the Office on Returning Citizen Affairs to accept applications for employment from eligible individuals;

"(II) Demonstrate that potential employees in the pilot program have opportunities for advancement within the eligible employer's organization or industry;

"(III) Hire one or more eligible individuals who meet the requirements of sub-subparagraph (ii) of this subparagraph;

"(IV) Be located within the District;

"(V) Pay each employed eligible individual at least the minimum wage required pursuant to the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*);

"(VI) Employ each eligible individual for a minimum of 20 hours per week for a minimum of 8 weeks;

"(VII) Submit an application; and

"(VIII) Provide documentation as required by the Office on Returning Citizen Affairs to substantiate the satisfaction of each requirement of the pilot program for the participating eligible employer and for each eligible individual employed.

"(ii) For an eligible employer to receive a grant for the employment of an eligible individual, the eligible individual must:

"(I) Have been previously incarcerated;

"(II) Be a resident of the District;

"(III) Have completed a workforce development and life skills program within the District; and

"(IV) Have been unemployed for a period of at least one month prior to being hired by the participating eligible employer.

"(iii) Grants offered through the pilot program shall be disbursed:

"(I) Initially, after an eligible employer has provided documentation substantiating that the eligible employer employed an eligible individual for a minimum of 20 hours per week for a minimum of 8 weeks;

"(II) Subsequent to the initial disbursement, at the end of each month that the eligible individual is employed pursuant to the requirements of the pilot program;

"(iv) The maximum amount of the grant disbursements offered through the pilot program to each participating eligible employer shall be:

"(I) For the first year that an eligible individual is employed by a participating eligible employer, 40% of the minimum wage for a period not to exceed 40 hours per week and 2,080 hours per year for each eligible individual hired under the pilot program; and

"(II) For the second year that an eligible individual is employed by the same participating eligible employer, 80% of the minimum wage for a period not to exceed 40 hours per week and 2,080 hours per year for each eligible individual hired under the pilot program.

"(v)(I) The total amount of funding expended through the pilot program shall not exceed the amount budgeted for the pilot program.

"(II) Eligible employers shall receive funding in the order that they successfully provide the documentation required pursuant to sub-subparagraph (i)(VII) of this subparagraph for the employment of an eligible individual.

"(III) For each eligible individual for whom documentation successfully has been submitted, an amount of funds shall be set aside such that the eligible employer may be reimbursed for the employment of an eligible individual for a period no shorter than the remainder of the fiscal year during which the documentation was submitted, and the remainder of the assistance shall be subject to the availability of funding.".

SUBTITLE H. PARALEGAL PROGRAM ESTABLISHMENT

Sec. 1071. Short title.

This subtitle may be cited as the "Returning Citizen Paralegal Fellowship Initiative Pilot Program Congressional Review Emergency Amendment Act of 2020".

Sec. 1072. Section 3(b)(2) of the Office on Ex-Offender Affairs and the Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(b)(2)), is amended by adding a new subparagraph (M) to read as follows:

"(M) Conduct a Paralegal Fellowship Initiative pilot program that places a cohort of returning citizen students in an accredited, university-based paralegal certification program located in the District of Columbia, while providing the students with support services necessary for their success.".

SUBTITLE I. NON-PROFIT FAIRNESS ANALYSIS

Sec. 1081. Short title.

This subtitle may be cited as the "Non-Profit Reimbursement Fairness Analysis Congressional Review Emergency Amendment Act of 2020".

Sec. 1082. Section 204(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.04(b)), is amended as follows:

(a) Paragraph (15) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (16) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (17) is added to read as follows:

"(17) To issue a report to the Mayor and the Council by April 1, 2021, that includes:

"(A) A review and analysis of the funding of indirect costs in the terms of grant agreements or contracts entered into between nonprofit organizations and the District government;

"(B) A table listing the federal funding associated with contracts or grants passed through to nonprofit organizations by the District government in Fiscal Year 2020, including any funding passed through to nonprofit organizations to meet their indirect costs and any funding retained by the District rather than being passed through for this purpose; and

"(C) Any recommended amendments to law, regulations, policy, or training in order to ensure the legal, fair, and consistent funding of indirect costs to nonprofit organizations by the District.".

SUBTITLE J. INDIGENOUS PEOPLES' DAY

Sec. 1091. Short title.

This subtitle may be cited as the "Indigenous Peoples' Day Congressional Review Emergency Amendment Act of 2020".

Sec. 1092. Section 1202(a)(7) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-612.02(a)(7)), is amended by striking the phrase "Columbus Day" and inserting the phrase "Indigenous Peoples' Day" in its place.

Sec. 1093. Section 25-723(c)(1)(B) of the District of Columbia Official Code is amended by striking the phrase "Columbus Day" and inserting the phrase "Indigenous Peoples' Day" in its place.

Sec. 1094. Section 28-2701 of the District of Columbia Official Code is amended by striking the phrase "Columbus Day" and inserting the phrase "Indigenous Peoples' Day" in its place.

SUBTITLE K. CAMPAIGN FINANCE REFORM IMPLEMENTATION

Sec. 1101. Short title.

This subtitle may be cited as the "Campaign Finance Reform Implementation Congressional Review Emergency Amendment Act of 2020".

Sec. 1102. Section 1108(c-1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)), is amended as follows:

(a) Paragraph (9) is amended by striking the semicolon and inserting the phrase "; and" in its place.

(b) Paragraph (10) is amended by striking the phrase "; and" and inserting a period in its place.

(c) Paragraph (11) is repealed.

Sec. 1103. The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), is amended as follows:

(a) Section 302a(h) (D.C. Official Code § 1-1163.02a(h)) is amended to read as follows:

"(h) Members of the Campaign Finance Board, including the Chairperson, shall not receive compensation for their service on the Campaign Finance Board.".

(b) Section 309(b) (D.C. Official Code § 1-1163.09(b)) is amended to read as follows:

"(b) The reports required by subsection (a) of this section shall be filed on the 10th day of March, June, August, October, and December in the 7 months preceding the date on which, and in each year during which, an election is held for the office sought, and 8 days before a special or general election, and also by the 31st day of January each year. In addition, the reports shall be filed on the 31st day of July of each year in which there is no election. The reports shall be complete as of the date prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing, except that any contribution of $200 or more received after the closing date prescribed by the Director of Campaign Finance for the last report required to be filled before the election shall be reported within 24 hours after its receipt.".

Sec. 1104. Section 10 of the Campaign Finance Reform Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-250; 66 DCR 985), is amended to read as follows:

"Sec. 10. Applicability.

"(a) Sections 6(b)(4), (8), and (22), and (pp), 8, and 9:

"(1)(A) Shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

"(C)(i) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

"(ii) The date of publication of the notice of the certification shall not affect the applicability of sections 6(b)(4), (8), and (22), and (pp), 8, and 9.

"(2) Shall not apply to contracts, as defined in section 101(10C)(A)(ii) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(10C)(A)(ii)), including those contracts' option periods or similar contract extensions or modifications, sought, entered into, or executed before the applicability date of sections 6(b)(4), (8), and (22), and (pp), 8, and 9.

"(b)(1) Notwithstanding any other law, the functions and duties transferred to the Campaign Finance Board pursuant to this act shall continue to be implemented by the Elections Board or the Director of Campaign Finance, as applicable, until the date that the Campaign Finance Board has a quorum of members.

"(2) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Elections transferred to the Campaign Finance Board under this act shall continue in effect according to their terms until lawfully amended, repealed, or modified.".

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. BUSINESS RECOVERY TASK FORCE ESTABLISHMENT

Sec. 2001. Short title.

This subtitle may be cited as the "Business Recovery Task Force Establishment Congressional Review Emergency Act of 2020".

Sec. 2002. There is established the Business Recovery Task Force ("Task Force") to provide recommendations to the Mayor and Council regarding the recovery of the District's businesses following the end of the COVID-19 emergency.

Sec. 2003. Membership; appointment; staff; meetings.

(a) The Task Force shall be composed of:

(1) The following government members, or their designees:

(A) The Deputy Mayor for Planning and Economic Development;

(B) The Director of the Department of Small and Local Business Development ("Department"); and

(C) The Chairperson of the Council's Committee on Business and Economic Development; and

(2) Eight representatives of business enterprises, one from each Ward, all of whom shall be District residents, who collectively represent industries and geographical areas hardest hit by the COVID-19 emergency, with at least one representative being an owner of an equity impact enterprise as defined by section 2302(8A) of the Small and Certified Business

Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(8A)) ("CBE Act").

(b) The business representatives shall be appointed by the Chairman of the Council after receiving recommendations made by the Chairperson of the Council Committee on Business and Economic Development and shall serve without compensation.

(c) The Chairperson of the Task Force shall be designated by the Chairperson of the Council's Committee on Business and Economic Development from among the business representatives.

(d) The Department shall provide administrative support for the Task Force.

(e) If, when all the members have been appointed and the Task Force is functioning, the COVID-19 emergency is still in effect, the Task Force shall convene monthly. After the COVID-19 emergency has been lifted, the Task Force shall meet not less frequently than quarterly until dissolved.

Sec. 2004. Reporting requirement.

Within 180 days after the appointment of the appointed members, the Task Force shall submit a report to the Mayor and the Council that addresses the following:

(1) Recommendations to identify and access available technical and financial assistance opportunities, including the Small Business Administration Disaster Relief funds and other federal funds as they become available;

(2) Support for outreach and educational efforts to small businesses; and

(3) Long-term policy recommendations for economic recovery of small businesses following the COVID-19 emergency.

Sec. 2005. Definitions.

For the purposes of this subtitle, term:

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

(2) "Small business enterprise" shall have the same meaning as provided in 2302(16) of the CBE Act (D.C. Official Code § 2-218.02(16)).

Sec. 2006. Sunset.

The Task Force shall dissolve, and this subtitle shall expire as of the date the Task Force submits the report required by section 2004.

ENROLLED ORIGINAL

SUBTITLE B. NEW YORK AVENUE, N.E., RETAIL PRIORITY AREA EXPANSION

Sec. 2011. Short title.

This subtitle may be cited as the "New York Avenue, N.E., Retail Priority Area Expansion Congressional Review Emergency Amendment Act of 2020".

Sec. 2012. Section 4(k) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73(k)), is amended by adding a new paragraph (3) to read as follows:

"(3) In addition to the areas described in paragraphs (1) and (2) of this subsection, the New York Avenue, N.E., Retail Priority Area shall consist of the area beginning at the intersection of Montello Avenue, N.E., and Florida Avenue, N.E., continuing northeast along Montello Avenue, N.E., until Mt. Olivet Road, N.E.".

SUBTITLE C. OPPORTUNITY ZONE TAX BENEFITS

Sec. 2021. Short title.

This subtitle may be cited as the "Aligning Opportunity Zone Tax Benefits with DC Community Priorities Congressional Review Emergency Amendment Act of 2020".

Sec. 2022. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1801.04 is amended by adding new paragraphs (39A), (39B), (39C), and (39D) to read as follows:

"(39A) "Qualified opportunity fund" shall have the same meaning as set forth in section 1400Z-2 of the Internal Revenue Code of 1986, approved December 22, 2017 (131 Stat. 2184; 26 U.S.C. § 1400Z-2) ("section 1400Z-2").

"(39B) "Qualified opportunity zone" shall have the same meaning as set forth in section 1400Z-2.

"(39C) "Qualified opportunity zone business" shall have the same meaning as set forth in section 1400Z-2.

"(39D) "Qualified opportunity zone business property" shall have the same meaning as set forth in section 1400Z-2.".

(b) Section 47-1803.03(a) is amended by adding a new paragraph (20) to read as follows:

"(20) Capital Gains. --

"(A) Deferral of a capital gains tax payment for investing in a qualified opportunity fund ("QOF") shall be realized only if the taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph;

"(B) Reduction of capital gains tax liability through a 10% step-up in basis, if invested in a QOF for 5 years prior to December 31, 2026, and an additional 5% step-up in basis, if invested in a QOF for 7 years prior to December 31, 2026, shall be realized only if the taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph;

"(C) Abatement of capital gains tax on an investment of capital gains in a QOF for at least 10 years before December 31, 2047, shall be realized only if the taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph;

"(D) To receive the benefits described in subparagraphs (A), (B), and (C) of this paragraph, the taxpayer shall:

"(i) Invest in a QOF that:

"(I) Is certified by the Mayor as an eligible QOF pursuant to subparagraph (E) of this paragraph;

"(II) Has invested at least the value of the taxpayer's investment in the QOF in a qualified opportunity zone in the District; and

"(III) Has submitted its IRS Form 8996 to the Office of Tax and Revenue for the tax year in which the taxpayer is seeking the benefits described in subparagraphs (A), (B), and (C) of this paragraph; and

"(ii) Submit an IRS Form 8997 to the Office of Tax and Revenue for the tax year in which the taxpayer is seeking the benefits described in subparagraphs (A), (B), and (C) of this paragraph.

"(E) To be certified by the Mayor as an eligible QOF, a QOF shall submit to the Mayor documentation showing:

"(i) That some or all of its investments in qualified opportunity zone businesses and qualified opportunity zone business property are in businesses or property that:

"(I) Have been selected by the District government for a grant, loan, tax incentive, tax abatement, or other benefit or incentive intended to promote economic or community development in the District;

"(II) Have been selected by the Office of the Deputy Mayor for Planning and Economic Development to manage the redevelopment of a property, with respect to a business, or that are owned or disposed of by the District government, with respect to a property;

"(III) Have an unconditioned resolution of support from the Advisory Neighborhood Commission in which the business or property is located or a conditional resolution of support from the Advisory Neighborhood Commission in which the business or property is located and the Mayor determines that each of the conditions of the resolution have been met; or

"(IV) Are located in the District and have been scored by the QOF using the Urban Institute's Opportunity Zone Community Impact Assessment Tool, or other assessment tool approved by the Mayor, and received a score of 75 (or its equivalent) or greater; and

"(ii) That the dollar amount of the investments that the QOF has made in qualified opportunity zone businesses and qualified opportunity zone business property meets the standards set forth in sub-subparagraph (i) of this subparagraph.".

SUBTITLE D. STREETSCAPE BUSINESS DEVELOPMENT RELIEF

Sec. 2031. Short title.

This subtitle may be cited as the "Streetscape Business Development Relief Fund Expansion Congressional Review Emergency Amendment Act of 2020".

Sec. 2032. Section 603 of the Streetscape Fund Amendment Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 1-325.191), is amended as follows:

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

(1) Strike the phrase "to any individual" and insert the phrase "to a District Main Streets Program organization or individual" in its place.

(2) Strike the phrase "business inside or adjoining" and insert the phrase "business within the project boundaries of or adjoining" in its place.

(3) Strike the phrase "grant, a retail business" and insert the phrase "grant, a District Main Streets Program organization or individual or entity operating a retail business" in its place.

(4) Strike the phrase "submitted by the retail" and insert the phrase "submitted by the District Main Street Program organization or individual or entity operating a retail" in its place.

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

"(e) Within 180 days of the end of the Fiscal Year 2020, and every year thereafter, the Department of Small and Local Business Development shall submit a report to the Council detailing all loans, grants, and sub-grants issued pursuant to this section, including information on the dollar amount disbursed, recipients of financial assistance, and whether the recipient is a certified business enterprise.".

SUBTITLE E. EQUITY IMPACT ENTERPRISE ESTABLISHMENT

Sec. 2041. Short title.

This subtitle may be cited as the "Equity Impact Enterprise Establishment Congressional Review Emergency Amendment Act of 2020".

Sec. 2042. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new part D-i to read as follows:

"Part D-i. Programs for equity impact enterprises.

"Sec. 2377. Equity impact enterprise.".

(b) Section 2302 (D.C. Official Code § 2-218.02) is amended by adding a new paragraph (8A) to read as follows:

"(8A) "Equity impact enterprise" means a business enterprise that is a resident-owned business and a small business enterprise that can demonstrate that it is at least 51% owned by an individual who is, or a majority number of individuals who are:

"(A) Economically disadvantaged individuals; or

"(B) Individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.".

(c) Section 2343(a) (D.C. Official Code § 2-218.43(a)) is amended as follows:

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

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

(B) Subparagraph (H) is amended by striking the period and inserting the phase "; and" in its place.

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

"(I) Five points for an equity impact enterprise.".

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

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

(B) Subparagraph (H) is amended by striking the period and inserting the phase "; and" in its place.

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

"(I) Ten percent for an equity impact enterprise.".

(d) Section 2347 (D.C. Official Code § 2-218.47) is amended to read as follows:

"Sec. 2347. Unbundling requirement; rulemaking requirement.

"(a)(1) No later than January 1, 2021, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules on unbundling that include procedures to ensure that solicitations are subdivided and unbundled and that smaller contracts are created to the extent feasible and fiscally prudent.

"(2) The proposed rules required by paragraph (1) of this subsection shall be submitted to the Council for a 30-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within the 30-day review period, the proposed rules shall be deemed approved.

"(b) Beginning on January 1, 2021, and quarterly thereafter, the Department shall publicly make available on its website solicitations that have been subdivided and unbundled.

"(c) Five years from the effective date of the Equity Impact Enterprise Establishment Amendment Act of 2020, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), the Mayor shall evaluate the effectiveness of the equity impact enterprise program and whether or not it has resulted in creating more contracting opportunities for equity impact enterprises and submit the evaluation to the Council.

"(d) The Department shall provide targeted technical assistance, networking opportunities, and vendor workshops to prepare equity impact enterprises to compete for contracting and procurement opportunities.".

(e) Section 2349(b) (D.C. Official Code § 2-218.49(b)) is amended to read as follows:

"(b) No later than October 1, 2020, the Mayor shall implement a pilot program for equity impact enterprises.".

(f) Section 2375(d)(1) (D.C. Official Code § 2-218.75(d)(1)) is amended by striking the phrase "or a resident-owned business enterprises pursuant to section 2235" and inserting the phrase "a resident-owned business enterprise pursuant to section 2235, or an equity impact enterprise as defined in section 2302(8A)" in its place.

(g) A new Part D-i is added to read as follows:

"Part D-i. Programs for Equity impact enterprises.

"Sec. 2377. Equity impact enterprise.

"An equity impact enterprise, as defined in section 2302(8A), shall be eligible for certification as an impact enterprise.".

Sec. 2043. Section 2 of the Minority and Women-Owned Business Assessment Act of 2008, effective March 26, 2008 (D.C. Law 17-136; D.C. Official Code § 2-214.01), is amended as follows:

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

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

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

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

"(4) Ensure all District agencies with procurement authority, including independent agencies, are trained to evaluate, collect, and accurately track spending data as well as demographic data such as race and gender, upon request of District contract and procurement awardees, to better assess the District utilization of equity impact enterprises, minority-owned prime contractors and subcontractors, and women-owned prime contractors and subcontractors.".

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

(1) The lead-in language of paragraph (1) is amended to read as follows:

"In Fiscal Year 2021, the Mayor shall contract with a person or entity to conduct a District-based study ("disparity study") to:".

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

"(1A) All agencies with procurement authority, including independent agencies, shall coordinate with the Executive Office of the Mayor to provide timely and accurate information to assist with the completion of the disparity study.".

(3) Paragraph (2) is amended by striking the phrase "270 days after October 30, 2018" and inserting the phrase "450 days after October 30, 2020" in its place.

SUBTITLE F. DMPED LIMITED GRANT-MAKING AUTHORITY

Sec. 2051. Short title.

This subtitle may be cited as the "Deputy Mayor for Planning and Economic Development Limited Grant Making Authority Congressional Review Emergency Amendment Act of 2020".

Sec. 2052. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 12, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended as follows:

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

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

(2) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (4), (5), and (6) are added to read as follows:

"(4)(A) Funds to equity impact enterprises operating in Ward 5, 7, or 8 to increase economic or community development in an underserved area of the District;

"(B) For the purposes of this paragraph, the term "equity impact enterprise" shall have the same meaning as set forth in section 2302(8A) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(8A));

"(5) Funds to provide real property tax rebates pursuant to D.C. Official Code § 47-4665, in amount not to exceed $3 million in a fiscal year; except, that in Fiscal Year 2021, the amount shall not exceed $580,366;

"(6) Beginning in Fiscal Year 2021 and annually thereafter, the Deputy Mayor shall award a grant of not less than $200,000 to an organization that advances equitable economic development by facilitating and increasing the number of procurement contracts for products and services between District-based businesses and large-scale anchor institutions, such as universities and hospitals.".

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

"(i)(1) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), in Fiscal Year 2021, the Deputy Mayor shall award a grant to a bank chartered under the laws of the District on or before March 11, 2020, in an amount of at least $1 million for purposes that:

"(A) Support an equitable economic recovery for the District of Columbia; and

"(B) Increase access to loans, grants, financial services, and banking products to District residents, businesses, nonprofits, and community-based organizations.

"(2) A grantee who receives a grant pursuant to paragraph (1) of this subsection shall submit to the Deputy Mayor by September 30, 2021, information on the use of the grant funds, including:

"(A) A description of services provided through the grant funds;

"(B) The aggregate number of individuals, businesses, nonprofits, and community-based organization, by recipient type, receiving support from the grantee and the aggregate amount received, by recipient type;

"(C) Except as may be prohibited by federal law, the business name and address for each business receiving support from the grantee and the amount received by each such business; and

"(D) The number of homeowners receiving support from the grantee and the total amount spent to assist District homeowners.

"(3) The Deputy Mayor shall provide to the Council a report based on the information required by paragraph (2) of this subsection, along with a summary analysis of the efficacy and benefits of the grants issued by the grantee, by November 1, 2021.".

Sec. 2053. Section 47-4665 of the District of Columbia Official Code is amended as follows:

(a) The lead-in language of subsection (b) is amended by striking the phrase "shall receive," and inserting the phrase "may receive" in its place.

(b) The lead-in language of subsection (c)(1) is amended by striking the phrase "shall be equal" and inserting the phrase "shall be equal, subject to the availability of funds," in its place.

(c) Subsection (f) is amended as follows:

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

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

"(2) Notwithstanding paragraph (1) of this subsection, the total combined rebate payments for Fiscal Year 2021 for all occupants under this section shall not exceed $580,366.".

SUBTITLE G. TAX ABATEMENTS FOR AFFORDABLE HOUSING

Sec. 2061. Short title.

This subtitle may be cited as the "Tax Abatements for Affordable Housing in High-Need Areas Congressional Review Emergency Amendment Act of 2020".

Sec. 2062. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-860. Tax abatement for affordable housing in high-need affordable housing areas.".

(b) A new section 47-860 is added to read as follows:

"§ 47-860. Tax abatement for affordable housing in high-need affordable housing areas.

"(a) Real property tax imposed by § 47-811 on real property certified as eligible pursuant to subsection (d) of this section shall be abated for the period set forth in subsection (c) of this section; provided, that:

"(1) The real property is located in a high-need affordable housing area;

"(2) The real property is designated by the Mayor pursuant to subsection (b) of this section;

"(3) For the duration of the period set forth in subsection (c) of this section, at least one third of the housing units developed or redeveloped on the real property are affordable to and rented by households earning on average 80% or less of the median family income; provided, that during such period no such household earn more than 100% of the median family income;

"(4) The developer files a covenant in the land records of the District, binding on the developer and all of its successors in interest with respect to the property, covenanting to comply with the requirements of paragraph (3) of this subsection;

"(5) The developer enters into an agreement with the District that requires the developer to, at a minimum, contract with certified business enterprises for at least 35% of the contract dollar volume of the construction and operations of the project, in accordance with section 2346 of the CBE Act (D.C. Official Code § 2-218.46);

"(6) The developer enters into a First Source Agreement for the operations of the project; and

"(7) The developer enters into an agreement with the Mayor setting forth the requirements of this subsection and such other terms and conditions as the Mayor considers appropriate.

"(b) The Mayor may, through a competitive process, designate real property to be eligible to receive a tax abatement under this section; provided, that the total amount of the tax abatements associated with real property designated by the Mayor pursuant to this subsection shall not exceed $200,000 in Fiscal Year 2024 and shall not exceed $4 million annually thereafter.

"(c) The tax abatement provided for by this section shall begin in the tax year immediately following the tax year during which the certificate of occupancy was issued for the final housing unit counted toward satisfying the affordability requirement of subsection (a)(3) of this section and shall continue until the end of the 30th tax year after the tax year during which such certificate of occupancy is issued; provided, that the Mayor may opt to continue the tax abatement provided for by this section until the end of the 40th tax year after the tax year during which such certificate of occupancy is issued; provided further, that the tax abatement provided for by this section shall not begin before October 1, 2023.

"(d)(1) The Mayor shall certify to the Office of Tax and Revenue a real property's eligibility for the abatement provided by this section. The Mayor's certification shall include:

"(A) A description of the real property by street address, square, suffix, and lot;

"(B) The date the certificate of occupancy was issued for the final housing unit counted toward satisfying the affordability requirements of subsection (a)(3) of this section;

"(C) The date the tax abatement begins and ends under subsection (c) of this section;

"(D) A statement that the conditions specified in subsection (a) of this section have been satisfied; and

"(E) The amount of abatement allocated to the property pursuant to subsection (b) of this section; and

"(F) Any other information that the Mayor considers necessary or appropriate.

"(2) If at any time the Mayor determines that the real property has become ineligible for the abatement provided by this section, the Mayor shall notify the Office of Tax and Revenue and shall specify the date that the property became ineligible. The entire property shall be ineligible for the abatement on the first day of the tax year following the date when the ineligibility occurred.

"(e) The tax abatement provided by this section shall be in addition to, not in lieu of, any other tax relief or assistance from any other source.

"(f) The requirements of the First Source Act shall not apply to the construction or development of a project developed on real property designated by the Mayor pursuant to subsection (b) of this section.

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

"(1) "CBE Act" means the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

"(2) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the CBE Act.

"(3) "Developer" means the owner of housing units on real property eligible for a tax abatement under this section.

"(4) "First Source Act" means the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

"(5) "First Source Agreement" means an agreement with the District governing certain obligations of the Developer pursuant to section 4 of the First Source Act (D.C. Official Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment.

"(6) "High-need affordable housing area" means the 4 planning areas identified in the District's Housing Equity Report, published in October 2019, with the highest dedicated affordable housing production goals (Rock Creek West, Rock Creek East, Capitol Hill, and Upper Northeast), plus 1,000 feet in any direction beyond any of those 4 planning area boundaries.

"(7) "Median Family Income" has the meaning set forth in section 101(5) of the Inclusionary Zoning Implementation Amendment Act of 2006, effective September 23, 2017 (D.C. Law 16-275; D.C. Official Code § 6-1041.01(5)).".

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

SUBTITLE H. HEALTHCARE WORKFORCE PARTNERSHIP

Sec. 2071. Short title.

This subtitle may be cited as the "Healthcare Workforce Partnership Establishment Congressional Review Emergency Act of 2020".

Sec. 2072. Definitions.

(1) "HWI grant" means the grant awarded to the Intermediary pursuant to section 2073.

(2) "Intermediary" means the entity selected to be the Healthcare Workforce Intermediary pursuant to section 2073.

(3) "Partnership" means the Healthcare Workforce Partnership established pursuant to section 2075.

(4) "Training" means occupational skills training for occupations in the healthcare sector.

(5) "WIC" means the Workforce Investment Council.

(6) "WIOA" means the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*).

Sec. 2073. Establishment of a Healthcare Workforce Intermediary.

(a)(1) By December 1, 2020, the WIC shall select, through award of a grant, the Healthcare Workforce Intermediary to establish, convene, and assist the Healthcare Workforce Partnership.

(2) Consistent with Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the WIC shall issue multi-year grants for a period of 4 years, subject to the availability of funds.

(b) The entity selected to be the Intermediary shall:

(1) Be a nonprofit organization, industry association, or community-based organization;

(2) Have a proven track record of success convening healthcare sector employers or have a significant role in the healthcare sector;

(3) Have existing relationships with training providers; and

(4) Have a proven track record of successful fundraising.

(c) Over the course of the HWI grant, the WIC shall:

(1) Provide technical assistance to the Partnership through the Intermediary, which may include:

(A) Assisting the Partnership in obtaining data and information from District agencies;

(B) Providing the Partnership with customized labor market and economic analysis;

(C) Providing the Partnership with education and guidance on WIOA; and

(D) Providing the Partnership with information on the number of District residents that training providers have the capacity to train in healthcare occupations;

(2) Submit to the Partnership for feedback the proposed statement of work for any grant solicitation for the provision of training at least 30 days before issuing the request for proposals; and

(3) Use the Partnership's Healthcare Occupations Reports to align District government funded workforce development training with current and future healthcare sector hiring needs in the District.

Sec. 2074. Intermediary duties.

The Intermediary shall:

(1) By July 1, 2021:

(A) Appoint members to the Partnership consistent with the criteria specified in section 2075(b)(3);

(B) Convene at least 4 Partnership meetings;

(C) Compose and transmit to the WIC the Partnership's first Healthcare Occupations Report, as described in section 2075(e);

(2) For the duration of the grant:

(A) Provide administrative support to the Partnership;

(B) Convene Partnership meetings at least quarterly;

(C) Compile and transmit to the WIC feedback from the Partnership on any statement of work for a proposed grant solicitation for the provision of training no more than 15 days after receiving the statement of work pursuant to section 2073(d)(2);

(D) Work with the Partnership to coordinate and ensure provision of career coaching, screening and referral services, practice interviews, and job fairs for healthcare sector employment for qualified District training graduates;

(E) Facilitate requests for professional development and learning opportunities for training providers and training participants at healthcare facilities;

(F) Annually, compose and transmit the Partnership's Healthcare Occupations Report, as described in section 2075(e); and

(G) Perform additional duties on behalf of the Partnership consistent with the purposes of this subtitle and as funds permit; and

(3) During the fourth year of the HWI grant, raise private funds equal to the value of the HWI grant for that year, which the Intermediary shall reserve for use until after the expiration of the HWI grant in order to sustain the Partnership without dedicated District government funding.

Sec. 2075. Healthcare Workforce Partnership.

(a) The Intermediary shall establish the Healthcare Workforce Partnership, which shall work to increase the number of District residents employed in the healthcare sector and to meet the staffing needs of District healthcare employers, particularly of hospitals that receive District government funds.

(b)(1) The Director of the WIC, or the Director's designee, shall serve as a member of the Partnership.

(2) The Intermediary shall serve as a member of the Partnership and shall appoint community members in consultation with the WIC.

(3) Community members, the majority of which shall be healthcare sector employers, shall consist of the following:

(A) At least 5 employer representatives of the District's healthcare sector, which shall represent a variety of healthcare disciplines;

(B) At least one representative of a healthcare industry trade association;

(C) At least one representative from a labor organization that represents healthcare workers;

(D) At least one representative from a nonprofit organization that offers training programs; and

(E) At least one representative from an adult education integrated education and training program, as defined in 34 C.F.R. § 463.35, in the healthcare sector.

(c) Community members shall serve for the duration of the HWI grant and may be reappointed.

(d) The Partnership shall meet at least once each quarter for the duration of the HWI grant.

(e) No later than July 1, 2021, and annually thereafter in advance of the start of a new fiscal year, the Partnership shall submit to the WIC, through the Intermediary, its Healthcare Occupations Report, which shall contain the following:

(1) Recommendations of 3 to 5 healthcare occupations requiring less than a bachelor's degree, which may include occupations for which incumbent workers may be upskilled, in which the District should invest in training;

(2) A summary of the occupational hiring needs of hospitals receiving or committed to receive District government funds, including an estimate of the number of workers needed, disaggregated by healthcare occupation;

(3) A recommendation of the number of District residents the WIC should train in the occupations identified pursuant to paragraph (1) of this subsection;

(4) A list of occupational skills required to obtain employment in the occupations identified pursuant to paragraph (1) of this subsection;

(5) Recommendations of curricula for training in the occupations identified pursuant to paragraph (1) of this subsection;

(6) An explanation of the feasibility of providing virtual training or distance learning, and recommendations to implement virtual training;

(7) Customized healthcare career pathway maps for the occupations identified pursuant to paragraph (1) of this subsection;

(8) Recommendations of strategies and tactics to increase the capacity of training providers to train District residents; and

(9) Recommendations to attract District residents to, and retain District residents in, the occupations identified pursuant to paragraph (1) of this subsection, including necessary tactics to increase candidates' hard and soft skills and to reduce barriers to employment.

Sec. 2076. Establishment of a healthcare training program.

(a) By September 1, 2021, the WIC shall establish a healthcare training program ("program") to fund or arrange for training of District residents in a minimum of 2 healthcare occupations identified in the Partnership's first Healthcare Occupations Report, issued pursuant to section 2075(e), which may include one occupation for upskilling of incumbent workers.

(b) To provide training, the WIC may:

(1) Issue healthcare training grants ("grants") to train providers, pursuant to section 4(c) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(c)); or

(2) Partner with the University of the District of Columbia Community College or Office of the State Superintendent of Education.

(c)(1) If the program includes a grant, subject to availability of funds, each grant shall be for not less than $100,000 per year for 3 years to provide training for District residents.

(2) To be eligible for a grant, a grantee shall:

(A) Be licensed by the Higher Education Licensure Commission as a post-secondary institution, degree or non-degree seeking;

(B) Agree to utilize the training curricula recommended by the Partnership pursuant to section 2075(e)(5); and

(C) Demonstrate consistent successful attainment of the following benchmarks for its training participants:

(i) Completion of training;

(ii) Credential attainment;

(iii) Unsubsidized employment in the occupation of training; and

(iv) Retention of employment for 6 months or longer in the occupation of training.

(3) Preference shall be given to grant applicants utilizing an integrated education and training model, as defined 34 C.F.R. § 463.35.

(d)(1) The WIC shall utilize WIOA common performance measures to track program performance.

(2) The WIC shall report on the performance of the program as required by section 102 of the Workforce Development System Transparency Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-95; D.C. Official Code § 32-1622).

(e) The WIC shall make its best effort to use WIOA Title I funds to issue any grants authorized in this section.

Sec. 2077. Monitoring and evaluation.

By August 1, 2021, and annually thereafter, the WIC shall transmit to the Mayor and the Council the Healthcare Occupation Report developed by the Partnership pursuant to section 2075(e).

SUBTITLE I. DC INFRASTRUCTURE ACADEMY EMPLOYER ENGAGEMENT

Sec. 2081. Short title.

This subtitle may be cited as the "DC Infrastructure Academy Employer Engagement Congressional Review Emergency Amendment Act of 2020".

Sec. 2082. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-241) is amended as follows:

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

"(1A) "Committees" means the Industry Advisory Committees established pursuant to section 2f.".

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

"(2A) "DCIA" means the DC Infrastructure Academy established by the Mayor.".

(b) Section 2a(a-2) (D.C. Official Code § 32-242(a-2)) is repealed.

(c) New sections 2e and 2f are added to read as follows:

"Sec. 2e. DC Infrastructure Academy.

"(a) In addition to duties the Mayor prescribes, the DCIA shall:

"(1) Provide occupational skills training ("skills training") annually in industries for which there is significant demand regionally or by a major employer, including construction, infrastructure, and information technology;

"(2) Provide occupational skills training designed to meet the needs of employers by:

"(A) Aligning skills training, where appropriate, with the annual recommendations the committees submit to the DCIA pursuant to section 2f(c);

"(B)(i) Submitting a proposed curriculum, at least 30 calendar days prior to the start of any skills training taught by DCIA staff, to the relevant committee for its feedback; and

"(ii) Taking into consideration any feedback from a committee when implementing any skills trainings taught by DCIA staff;

"(C)(i) Submitting to the relevant committee, at least 30 calendar days before soliciting applications or bids on a grant or contract to provide skills training, a request that the committee review a grant or contract solicitation's proposed scope of work; and

"(ii) Considering any feedback received from a committee when preparing statements of work for grants and contracts to provide skills training; and

"(D) For any customized skills training provided specifically for a particular employer, seeking input from the employer consistent with the requirements outlined in subparagraphs (B) and (C) of this paragraph;

"(3) Provide test preparation sessions and practice exams to ready participants to obtain the occupational credentials the committees identify in their annual reports pursuant to section 2f(c)(4); and

"(4) Provide job referrals, as defined in 20 C.F.R. § 651.10, to employers in the industry sectors in which training is offered pursuant to paragraph (1) of this subsection for all qualified graduates of DCIA training programs.

"(b) DCIA skills training may include:

"(1) Training services enumerated in section 134(c)(3)(D) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1529; 29 U.S.C. § 3174(c)(3)(D));

"(2) Supportive services, as defined in 20 C.F.R. § 651.10;

"(3) Integrated education and training, as defined in 34 C.F.R. § 463.35;

"(4) Workforce preparation activities, as defined in 34 C.F.R. § 463.34; and

"(5) Job development, as defined in 20 C.F.R. § 651.10.

"(c)(1) At least 66% of the participants receiving skills training through the DCIA each fiscal year shall be trained in occupations that pay an average wage that is at least 150% of the minimum wage specified in section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003).

"(2) At least 25% of the value of each grant or contract with a skills training provider shall be contingent on the provider achieving at least one of the following results:

"(A) At least 75% of the provider's participants receive an industry-recognized credential; and

"(B) At least 80% of the provider's participants enter permanent, unsubsidized employment in the occupation of training.

"Sec. 2f. Industry advisory committees.

"(a)(1) The Director shall establish industry advisory committees to advise DCIA on occupational skills training offerings with the goal of aligning DCIA's trainings with industry hiring needs.

"(2) There shall be one committee per industry sector in which DCIA offers occupational skills training pursuant to section 2e(a)(1).

"(3) Each committee shall consist of representatives of at least 2 employers from the relevant industry sector, whom the Director shall appoint.

"(4)(A) The Director shall make initial appointments to the committees within 30 days of the effective date of this subtitle.

"(B) Committee members shall disclose all existing and potential conflicts of interest to the Director. No committee member may, in any manner, directly or indirectly, participate in a deliberation upon, or the determination of, any question affecting the financial interest of any corporation, partnership, or association in which the member or a member of the member's family is directly or indirectly interested. Committee members shall disclose the nature of any financial or personal relationships with any training providers by completing a conflict of interest form.

"(b) No later than December 15, 2020, and annually thereafter in advance of the start of a new fiscal year, each Committee shall submit written recommendations to DCIA, which shall contain the following:

"(1) Recommendations of 2 to 4 specific occupational skills trainings DCIA should offer;

"(2) The number of District residents DCIA should train in the occupations identified pursuant to paragraph (1) of this subsection;

"(3) Occupational skills required to obtain employment in the occupations identified pursuant to paragraph (1) of this subsection;

"(4) A description of tools, equipment, and services necessary to conduct trainings to acquire the skills identified in paragraph (3) of this subsection;

"(5) Industry-recognized credentials required for obtaining employment in the occupations identified pursuant to paragraph (1) of this subsection, when appropriate; and

"(6) The feasibility of providing virtual training or distance learning and recommendations to implement virtual training.

"(c) After receiving a proposed training curriculum from the DCIA pursuant to section 2e(a)(2)(B)(i), a Committee shall provide the DCIA with a written explanation of recommended modifications, if any.

"(d) Within 30 calendar days after receiving a proposed scope of work for a grant or contract from DCIA pursuant to section 2e(a)(2)(C)(i), the Committee shall provide DCIA with a written explanation of recommended modifications, if any.".

SUBTITLE J. WORKPLACE LEAVE NAVIGATORS

Sec. 2091. Short title.

This subtitle may be cited as the "Workplace Leave Navigators Program Establishment Congressional Review Emergency Amendment Act of 2020".

Sec. 2092. Definitions.

For the purposes of this subtitle, the term:

(1) "Director" means the director of DOES.

(2) "DOES" means the Department of Employment Services.

(3) "Family and medical leave" means leave available under the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*).

(4) "Paid sick leave" means leave available under the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*).

(5) "Universal paid leave" means leave benefits available under the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).

(6) "Workplace leave" means universal paid leave, paid sick leave, family and medical leave, or any other job-protected leave to which an individual may be entitled under federal or District law.

Sec. 2093. Workplace Leave Navigators Program.

(a) There is established a Workplace Leave Navigators Program ("Program"), which the Director shall administer.

(b) The Program shall be funded with monies from the Universal Paid Leave Administration Fund, established pursuant to section 1153 of the Universal Paid Leave Implementation Fund Congressional Review Emergency Act of 2016, passed on emergency basis on October 6, 2020 (Enrolled version of Bill 23-934).

(c) The Program shall provide funds to:

(1) Organizations with demonstrated experience representing employees in matters related to workplace leave solely for the purpose of specific assistance to individuals in obtaining their workplace leave and benefits; and

(2) Nonprofit organizations, businesses, or professional or trade associations with experience representing or assisting employers with the administration or understanding of workplace leave laws for the purpose of providing assistance to employers to share best practices or guidance regarding how to:

(A) Coordinate and accommodate different types of workplace leave, along with employer-sponsored disability plans; and

(B) Ensure compliance with workplace leave laws.

(d)(1) Program funds issued to organizations for the purposes described in subsection (c)(1) of this section:

(A) Shall be used solely to assist individuals with:

(i) Filing an initial claim for universal paid leave;

(ii) Determining the type of workplace leave or employer-offered leave, including an employer-sponsored disability plan, for which an individual may be eligible;

(iii) Filing an administrative complaint related to the provision of workplace leave, including a complaint of retaliation;

(iv) Responding to or appealing an initial administrative decision or determination related to workplace leave; or

(v) Providing an employer with appropriate documentation supporting a request for workplace leave; and

(B) May be used to provide training and guidance to medical providers or healthcare trade or professional associations on the requirements of workplace leave laws pertaining to documentation supporting the need for leave.

(2) Program funds issued to non-profits, businesses, or professional or trade associations assisting employers for the purposes described in subsection (c)(2) of this section:

(A) Shall be used to:

(i) Assist employers with coordinating the employer's workplace leave programs, including employer-sponsored disability plans, with workplace leave laws; provided, that Program funds shall not be used to decide an employee's eligibility for a workplace leave program or for the pre-adjudication of a workplace leave claim;

(ii) Provide guidance, including best practices, to an employer on what an employer must do to comply with District and federal workplace leave laws and regulations;

(iii) Aid employers in responding to DOES's request for information from the employers, including requests related to claim determinations made by DOES;

(iv) Responding to an administrative complaint related to the provision of workplace leave; provided, that Program funds shall not be used to respond to a complaint of retaliation;

(v) Responding to or appealing an initial administrative decision or determination related to workplace leave; and

(B) May be used to provide training and guidance to medical providers or healthcare trade or professional associations on the requirements of workplace leave laws.

(e) Funds for the Program may not be used to prosecute or defend claims in a lawsuit related to the provision of workplace leave.

(f)(1) The Director shall issue Program funds through competitive grants administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and section 2(b-1)

of the Workforce Job Development Grant-Making Authority Act of 2012, effective April 23, 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05(b-1)).

(2) The Director shall issue an initial Request for Applications no later than October 31, 2020, and annually thereafter. The Director may issue multi-year grants, subject to the availability of appropriations.

(3) In a fiscal year, the amount of grants the Director issues for the purposes described in subsection (c)(1) and (2) of this section shall account for the need for each such purpose, based on the potential numbers of employees and employers to be served.

SUBTITLE K. SCHOOL YEAR INTERNSHIP PILOT PROGRAM

Sec. 2101. Short title.

This subtitle may be cited as the "School Year Internship Pilot Program Congressional Review Emergency Amendment Act of 2020".

Sec. 2102. Section 2a(a) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-242(a)), is amended by adding a new paragraph (2A) to read as follows:

"(2A) School year internship pilot. —

"(A) In Fiscal Year 2021, a pilot program called the School Year Internship Pilot Program ("Program") for 250 District high school students to provide work-based learning opportunities during the school year.

"(B)(i) High school students including students from public schools, public charter schools, private schools, and students who are homeschooled, may apply to the Department of Employment Services ("DOES") to be matched with an internship host through the Program; provided, that a student may not otherwise participate in an internship, in-school youth employment, or a work-readiness program.

"(ii) DOES shall give the applications of at-risk students priority over all other applications.

"(iii) For the purposes of this subparagraph the term "at-risk" means a public school, public charter school, private school, or homeschool student who is identified as one or more of the following:

"(I) Homeless;

"(II) In the District's foster care system;

"(III) Qualifies for the Temporary Assistance for Needy Families program or the Supplemental Nutrition Assistance Program; or

"(IV) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.

"(C) DOES shall notify students of their placement with an internship host by January 5, 2021.

"(D) Interns shall remain matched with their internship host between January 2021 and June 2021.

"(E) DOES shall pay interns a training rate of $10 per hour, which it shall pay by way of a debit card provided to the intern or by direct deposit.

"(F)(i) Internship hosts may be nonprofit organizations, public schools or public charter schools, government agencies, or private businesses.

"(ii) Prospective internship hosts shall submit applications to participate in the Program no later than December 1, 2020. The application shall include a detailed job description that identifies specific tasks, projects, or duties that the intern will perform and the name and job title of the individual who will directly supervise the intern.

"(iii) DOES shall review internship host applications and shall give priority to applications that will engage an intern in work experience activities, rather than work readiness activities, for the majority of an intern's time.

"(G) DOES shall implement the Program through public-private partnerships between the District government and an internship host that has the ability to employ youth under the Program, subject to all federal and District laws, rules, and regulations relating to the procurement and award of contracts, grants, or other government assistance.

"(H)(i) DOES shall develop benchmarks for interns' growth and development in work readiness, which internship hosts shall utilize to assess an intern's work readiness.

"(ii) An internship host shall provide its written assessment of an intern's work readiness to DOES within 30 days after the end of the internship.".

Sec. 2103. The Department of Employment Services Local Job Training Quarterly Outcome Report Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 32–771), is amended by adding a new section 2083 to read as follows:

"Sec. 2083. Department of Employment Services annual report on year-round youth programs.

"(a) Starting December 15, 2020, and annually thereafter, the Department of Employment Services ("Department") shall publish on its website and submit to the Council a report on the operations of its year-round youth programs, including:

"(1) The In-School Youth Program;

"(2) The Out-of-School Youth Program;

"(3) The Marion Barry Youth Leadership Institute;

"(4) Pathways for Young Adults Program;

"(5) Youth Earn and Learn Program;

"(6) The High School Internship Program;

"(7) In-School Youth Innovation Grants; and

"(8) In-school DCHR internship program.

"(b) The report shall include the following information for each program from the previous fiscal year:

"(1) The number of participants newly enrolled;

"(2) The total number of participants, disaggregated by ward, grade, school, age, and, if known, at-risk status;

"(3) Each program's total expenditures, disaggregated by fund type (federal, local, intra-District, or special purpose revenue funds); and

"(4) The names of any vendors, grantees, host employers (including public schools and public charter schools for the High School Internship Program), host sites, or other organizations providing services to youth.

"(c) The Department may withhold from the report required pursuant to subsection (b) of this section any information precluded from release by federal law, rule, or policy; provided, that, if at a later time, such information may be released, the Department shall supplement the next annual report following the date on which the information may be shared with the withheld information.

"(d) For the purposes of this section, the term "at-risk" means a public school, public charter school, private school, or homeschool student who is identified as one or more of the following:

"(1) Homeless;

"(2) In the District's foster care system;

"(3) Qualifies for the Temporary Assistance for Needy Families program or the Supplemental Nutrition Assistance Program; or

"(4) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.".

SUBTITLE L. UNEMPLOYMENT INSURANCE MODERNIZATION

Sec. 2111. Short title.

This subtitle may be cited as the "Unemployment Insurance Modernization Requirements Congressional Review Emergency Act of 2020".

Sec. 2112. Unemployment insurance modernization requirements.

(a) The Department of Employment Services ("DOES") shall launch an integrated, fully modernized, and fully functioning unemployment insurance information technology benefits and tax system ("benefits system") for public use no later than September 30, 2022.

(b) The benefits system shall include an internet accessible public interface that:

(1) Can be accessed from all major internet browsers and used on mobile devices and personal computers;

(2) Is accessible to people with disabilities in compliance with section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794), and

Title II of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 337; 42 U.S.C. § 12131 *et seq.*); and

(3) Complies with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

(c)(1) The Office of Contracting and Procurement ("OCP"), in consultation with DOES, should issue a Request for Proposals for the full modernization of the benefits system, consistent with the requirements of subsections (a) and (b) of this section, no later than October 30, 2020.

(2) The OCP should award a contract for the full modernization of the benefits system no later than January 15, 2021.

Sec. 2113. (a) Beginning no later than 15 days after the effective date of this subtitle, on any day when American Job Centers are closed (excluding weekends, holidays, and staff training days), the Department of Employment Services ("DOES") shall provide the following materials at its headquarters from 8:30 a.m. to 5:00 p.m.:

(1) Hard copies of unemployment insurance benefits applications, with hard copies of all instructions that are available online for completing the application;

(2) Hard copies of DOES complaint forms for violations of District labor laws, including wage and hour, accrued paid sick time, and workers' compensation laws, with hard copies of all instructions that are available online for completing each form;

(3) Envelopes individuals may use in submitting their applications and complaint forms, with space on the outside to identify the form being submitted; and

(4) A locked box with a slot into which individuals may deposit their completed applications and complaint forms.

(b) The DOES shall make the materials identified in subsection (a) of this section available in a location at its headquarters that is publicly and handicap accessible.

SUBTITLE M. TRANSGENDER AND NON-BINARY EMPLOYMENT STUDY

Sec. 2121. Short title.

This subtitle may be cited as the "District Government Transgender and Non-Binary Employment Study Congressional Review Emergency Act of 2020".

Sec. 2122. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq*), is amended by adding a new Title VII-B to read as follows:

"TITLE VII-B GENDER IDENTITY STUDY

"Sec. 760. Definitions.

"For the purposes of this title, the term:

"(1) "Cisgender" means individuals whose sex assigned at birth matches the individual's perceived gender.

"(2) "Gender identity" means an individual's internal sense of the individual's gender, which may be the same as or different from sex assigned at birth and can include male, female, neither, or both.

"(3) "Non-binary" includes individuals whose gender identity is neither entirely male nor entirely female, or varies between the two.

"(4) "Transgender" includes individuals whose gender identity or expression is different from that typically associated with their assigned sex at birth.

"Sec. 761. Study of transgender and non-binary employment.

"(a) The Mayor shall contract with an entity to conduct a study of employment data, hiring and recruitment practices, and workplace climate in District government agencies in relation to people who are transgender or non-binary. At a minimum, the study shall include:

"(1) A census of employees who identify as transgender or non-binary, including information on the employees' race and ethnicity, gender identity, and age;

"(2) A review of District government agencies' transgender and non-binary inclusion policies, including policies developed under the Human Rights Act of 1977, effective December 13, 1977, (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*) ("Human Rights Act"), and any regulations promulgated pursuant to the Human Rights Act, and an evaluation of the extent to which District government agencies have implemented such polices and how transgender and non-binary employees experience such polices;

"(3) An evaluation of District government agencies' actual recruitment, hiring, retention, and promotion practices related to prospective and current transgender and non-binary employees;

"(4) An analysis of any disparities in earnings, title, pay grade, length of time in position, and educational attainment between employees who identify as transgender or non-binary and employees who identify as cisgender;

"(5) An assessment of transgender and non-binary employees' workplace experiences as employees of District government agencies, including experiences of discrimination, harassment, or mistreatment on the job;

"(6) An evaluation of data, including participant demographics and program outcomes, for transgender or non-binary participants in the Department of Employment Services' job training programs; and

"(7) Recommendations for District government agencies on improving employment and hiring practices as they relate to individuals who are transgender or non-binary.

"(b) The contractor may survey employees to gather data for the purposes of the study.

"(c) The contractor completing the study shall:

"(1) Have, or partner with another entity with, experience studying and knowledge of sexual orientation and gender identity;

"(2) Include a statement in requests for information and surveys sent to employees explaining that providing information is voluntary;

"(3) Ensure the privacy, dignity, and confidentiality of employees;

"(4) Not disclose, or retain after the study is complete, personally identifiable information gathered in the course of the study; and

"(5) Consult with the Office of Human Rights in developing a detailed proposed plan of the study, surveys to be administered, and any resulting recommendations from the entity.

"(d) The Mayor may use electronic communication tools, including e-mail, to facilitate the contractor's outreach to District government employees.

"(e) The Mayor shall:

"(1) Review the contractor's proposals and recommendations to ensure they are consistent with the Human Rights Act;

"(2) Review data, with personally identifiable information removed, on harassment and discrimination complaints filed by transgender and non-binary employees against District government agencies since January 1, 2015;

"(3) Provide the contractor with the information necessary to facilitate subsection (a) of this section; and

"(4) Submit a final report with findings and recommendations to the Council no later than December 31, 2021. The final report submitted to the Council shall not contain any personally identifiable information.".

SUBTITLE N. TIPPED WAGE WORKERS FAIRNESS CLARIFICATION

Sec. 2131. Short title.

This subtitle may be cited as the "Tipped Workers Fairness Clarification Congressional Review Emergency Amendment Act of 2020".

Sec. 2132. The Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; D.C. Official Code § 32-161 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-161) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "By April 1, 2020" and inserting the phrase "Within 120 days after the date this section becomes applicable" in its place.

(B) Subparagraph (F) is repealed.

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

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

(i) The lead-in language is amended by striking the phrase "By April 1, 2020" and inserting the phrase "Within 120 days after the date this section becomes applicable" in its place.

(ii) Subparagraph (B) is amended to read as follows:

"(B) The following text formatted in a large font and for maximum readability, including the use of bullet points to call out each specified right on a separate line:

"EMPLOYEE RIGHTS IN THE DISTRICT OF COLUMBIA: Do you know your rights as an employee working in Washington, D.C.? Employees have the right:

- To be paid at least the minimum wage;
- To be paid on time;
- To receive a detailed pay stub;
- To accrue and use paid sick and safe leave;
- To request time off to attend a child's school-related activities;
- To qualify for unpaid family and medical leave;
- To be compensated for work-related illness or injury;
- To remain free from discrimination;
- To be accommodated in the workplace during pregnancy;
- To remain free from employer retaliation for discussing or exercising any of these rights; and
- To file a complaint for violation of workplace rights with the Department of Employment Services (DOES) or the Office of Human Rights (OHR),

To learn about these and other workplace rights, visit the website below. This notice does not create, expand, or limit rights under District or federal law.".

(B) Paragraph (2) is amended by striking the phrase "The poster" and inserting the phrase "Below the text required pursuant to paragraph (1)(B) of this subsection, the poster" in its place.

(3) Subsection (d)(6) is repealed.

Sec. 2133. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 10a (D.C. Official Code § 32-1009.01) is amended as follows:

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

"(a)(1) As of January 1, 2020, the third-party payroll businesses required pursuant to section 9(a-1) to process payroll for an employer that employs a tipped worker and hotel employers that employ a tipped worker shall submit a quarterly wage report for the preceding calendar quarter to the Mayor no later than 30 days after the end of each calendar quarter.

"(2) Each quarterly wage report shall certify that each tipped worker was paid at least the required minimum wage, including gratuities, and shall include the following:

"(A) Itemized, for each tipped worker, the worker's:

"(i) Name;

"(ii) Average hourly wage received per week during the quarter;

"(iii) Total hours worked at or above the minimum hourly wage established under section 4(f) per week;

"(iv) Gross wages received per week; and

"(v) Total gratuities received per week.

"(B) For a hotel employer, a certification that all of the information in the report is accurate;

"(C) For a third-party payroll business, a certification that the information in the report was generated using the same payroll data used to generate the information required to be furnished to employees pursuant to section 9(b); and

"(D) If tips were shared, a copy of the employer's tip-sharing policy used during the quarter, unless the third-party payroll business and the employer have agreed that the employer will submit the tip-sharing policy, in which case, a certification that such an agreement was in place during the calendar quarter.

"(3)(A) An employer that agrees to submit its tip-sharing policy directly to the Mayor shall submit the policy to the Mayor no later than 30 days after the end of each calendar quarter.

"(B) If the Mayor does not receive the tip-sharing policy of an employer that employs a tipped worker by the submission deadline for quarterly wage reports, the Mayor shall presume that the employer did not have a tip-sharing policy in place during the calendar quarter.".

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

"(2) A person required to submit documents pursuant to subsection (a) of this section shall submit the documents online through the Internet-based portal, unless the Mayor exempts the person from online reporting because it creates a hardship for the person, in which case, the person shall submit the documents in hard-copy form.".

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

"(d) For the purposes of this section the term "tipped worker" means an employee paid in accordance with section 4(f).".

(b) Section 12(d)(1) (D.C. Official Code § 32-1011(d)(1)) is amended by adding a new subparagraph (E-i) to read as follows:

"(E-i) $500 against an employer for each failure to timely submit the quarterly wage report required pursuant to section 10a, in its entirety, unless the employer proves that it used a third-party payroll business to process the relevant quarter's payroll for the employer.".

SUBTITLE O. UNIVERSAL PAID LEAVE FUND

Sec. 2141. Short title.

This subtitle may be cited as the "Universal Paid Leave Fund Congressional Review Emergency Amendment Act of 2020".

Sec. 2142. The Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended as follows:

(a) A new section 1151a is added to read as follows:

"Sec. 1151a. Definitions.

"For the purposes of this subtitle, the term "Act" means the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).".

"(b) Section 1152 (D.C. Code § 32-551.01) is amended as follows:

"(1) The section heading is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

"(2) Subsection (a) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(3) Subsection (b) is amended to read as follows:

"(b) Money in the Fund shall be used to:

(1) Pay benefits provided under the Act; and

(2) Fund the Universal Paid Leave Administration Fund established pursuant to section 1153(a) in the following amounts:

"(A) No more than 8.75% of money in the Fund for the purposes described in section 1153(c)(1);

"(B) No more than .75% of the money in the Fund for the purposes described in section 1153(c)(2); and

"(C) No more than 0.5% of the money in the Fund for the purposes described in section 1153(c)(3).

(c) A new section 1153 is added to read as follows:

"Sec. 1153. Universal Paid Leave Administration Fund.

"(a) There is established as a special fund the Universal Paid Leave Administration Fund ("Fund"), which shall be administered by the Department of Employment Services ("DOES") in accordance with subsections (c), (d), (e), and (f) of this section.

"(b) Pursuant to section 1152(b)(2), amounts appropriated from the Universal Paid Leave Fund annually for the purposes described in subsection (c) of this section shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the following purposes:

"(1) Administration of the Act by DOES, including public education pursuant to section 106(j) of the Act (D.C. Official Code § 32-541.06(j)); provided, that no more than 6% of the money appropriated annually for administration may be used for public education and of those public education funds, at least $500,000 shall be used to fund the Workplace Leave Navigators Program established pursuant to section 2093 of the Workplace Leave Navigators Program Establishment Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on October 6, 2020 (Enrolled version of Bill 23-934);

"(2) Enforcement of section 108(e) and section 110(a) and (b) of the Act by the Office of Human Rights, which may include education and outreach on individuals' rights under the Act; and

"(3) Hearing of appeals of claim determinations by the Office of Administrative Hearings, pursuant to section 108(a), (b), and (c) of the Act (D.C. Official Code § 32-541.08(a), (b), and (c)).

"(d) Beginning no later than October 1, 2020, and by October 1 annually thereafter, DOES shall execute a Memorandum of Understanding with the Office of Human Rights for the intradistrict transfer of funds appropriated, pursuant to subsection (c)(2) of this section, for enforcement; provided, that DOES shall transfer funds appropriated for enforcement to the Office of Human Rights no later than October 2 of any year even if the agencies fail to execute a Memorandum of Understanding by October 1 of that year.

"(e) Beginning no later than October 1, 2020 and by October 1 annually thereafter, DOES shall execute a Memorandum of Understanding with the Office of Administrative Hearings for the intradistrict transfer of funds appropriated, pursuant to subsection (c)(3) of this section, for hearing of appeals of claim determinations; provided, that DOES shall transfer funds appropriated for hearing of appeals of claim determinations to the Office of Administrative Hearings no later than October 2 of any year even if the agencies fail to execute a Memorandum of Understanding by October 1 of that year.

"(f) Money deposited into the Fund but not expended in a fiscal year shall revert to the Universal Paid Leave Fund, established pursuant to section 1152.".

Sec. 2143. Conforming amendments.

The Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*), is amended as follows:

(a) Subsection 101 (D.C. Official Code § 32-541.01) is amended as follows:

(1) Paragraph (10)(A) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(2) Paragraph (21) is amended by striking the phrase ""Universal Paid Leave Implementation Fund" means the Uniform Paid Leave Implementation Fund" and inserting the phrase ""Universal Paid Leave Fund" means the Universal Paid Leave Fund" in its place.

(b) Section 103 (D.C. Official Code § 32-541.03) is amended as follows:

(1) The section heading is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(2) Subsection (a) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(3) Subsection (b) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(4) Subsection (c) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(5) Subsection (d) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(6) Subsection (e) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(7) Subsection (f) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(c) Section 104(g)(6)(A) (D.C. Official Code § 32-541.04(g)(6)(A)) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(d) Section 105(a)(2) (D.C. Official Code § 32-541.05(a)(2)) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(e) Section 106(j)(1) (D.C. Official Code § 32-541.06(j)(1)) is amended to read as follows:

"(j)(1) The Mayor shall conduct a public-education campaign, which shall be paid for out of the Universal Paid Leave Administration Fund, pursuant to section 1153(c)(1) of the Universal Paid Leave Implementation Fund Act of 2016, passed on emergency basis on October 6, 2020 (Enrolled version of Bill 23-934), to inform individuals of the benefits provided for in this act. The Workplace Leave Navigators Program, established pursuant to section 2093 of the Workplace Leave Navigators Program Establishment Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on October 6, 2020 (Enrolled version of Bill 23-934), shall be a component of the Mayor's public-education campaign.".

(f) Section 109(c) (D.C. Official Code § 32-541.09(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Universal Paid Leave Implementation" and inserting the phrase "Universal Paid Leave" in its place.

(2) Paragraph (2) is amended by striking the phrase "Universal Paid Leave Implementation" both times it appears and inserting the phrase "Universal Paid Leave" in its place.

SUBTITLE P. SHARED WORK COMPENSATION PROGRAM

Sec. 2151. Short title.

This subtitle may be cited as the "Shared Work Compensation Program Clarification Congressional Review Emergency Amendment Act of 2020".

Sec. 2152. The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

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

(1) Paragraph (4) is repealed.

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

"(4A) "Health and retirement benefits" means employer-provided health benefits, and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or

contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which are incidents of employment in addition to the cash remuneration earned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(2) Provide a description of how employees in the affected unit will be notified of the employer's participation in the shared work unemployment compensation program if such application is approved, including how the employer will notify those employees in a collective

bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice of the shared work plan to employees in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice;

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

"(4) If the employer provides health and retirement benefits to any participating employee whose usual weekly hours of work are reduced under the plan, certify that such benefits will continue to be provided to participating employees under the same terms and conditions as though the usual weekly hours of work of such participating employee had not been reduced or to the same extent as employees not participating in the shared work plan. For defined benefit retirement plans, the hours that are reduced under the shared work plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the participating employee's usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be reduced due to the reduction in the participating employee's compensation. A reduction in health and retirement benefits scheduled to occur during the duration of a shared work plan that is equally applicable to employees who are not participating in the plan and to participating employees does not violate a certification made pursuant to this paragraph;

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

"(6) Agree to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(e) For the purposes of this section, the term "public health emergency" means the public health emergency declared in the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, and any extensions thereof.".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(2) Notwithstanding any other provision of the employment security law relating to availability for work and actively seeking work, the participating employee was available for

the individual's usual hours of work with the shared work employer, which may include availability to participate in training to enhance job skills approved by the Director, such as employer-sponsored training or training funded under the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

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

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

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

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

"(e) A participating employee who has received all of the shared work benefits or combined unemployment compensation and shared work benefits available in a benefit year shall be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51–107(g)(1)(H)) ("Act"), for purposes of eligibility to receive extended benefits pursuant to section 7(g) of the Act (D.C. Official Code § 51–107(g)), and, if otherwise eligible under that section, shall be eligible to receive extended benefits.

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

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

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

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

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

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

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

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

(2) Subsection (b) is repealed

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

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

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

SUBTITLE Q. EQUITABLE IMPACT ASSISTANCE FOR LOCAL BUSINESS

Sec. 2161. Short title.

This subtitle may be cited as the "Equitable Impact Assistance for Local Businesses Congressional Review Emergency Act of 2020".

Sec. 2162. Definitions.

For the purposes of this subtitle, the term:

(1) "Economically disadvantaged individual" shall have the same meaning as set forth in section 2302(7) of the Small and Certified Business Enterprise Development and

Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(7)).

(2)(A) "Eligible business" means an equity impact enterprise that has $2 million or less in annual revenue and certifies in writing that the business is unable to obtain conventional financing or is a business enterprise that cannot reasonably be expected to qualify for financing under the standards of commercial lending.

(B) For the purposes of this paragraph, the phrase "unable to obtain conventional financing" means that the business has attempted but failed in the attempt to obtain financing from conventional sources.

(3) "Equity impact enterprise" shall have the same meaning as set forth in section 2303(8A) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(8A)).

(4) "Fund" means the Equity Impact Fund established in section 2163.

(5) "Fund Manager" means a private financial organization selected by the Mayor pursuant to section 2164.

(6) "Private financial organization" means a partnership, corporation, trust, limited liability company, Community Development Financial Institution, or a consortium of partnerships, corporations, trusts, limited liability companies, or Community Development Financial Institutions, whether organized on a profit or not-for-profit basis, that has as its primary activity the investment of capital into businesses.

Sec. 2163. Establishment of the Equity Impact Fund.

(a)(1) There is established a fund outside the General Fund of the District of Columbia, designated as the Equity Impact Fund ("Fund"), which shall be managed by a Fund Manager selected by the Mayor.

(2) The Deputy Mayor for Planning and Economic Development shall provide, upon selection of the Fund Manager, $1.25 million in the aggregate in Fiscal Year 2021 for deposit into the Fund ("District's initial investment").

(b) The Fund shall be funded by money appropriated for the purposes of the Fund, other amounts, if any, received by the District or Fund Manager for deposit into the Fund, and any monies received as gifts, grants, donations, and awards.

(c) Money in the Fund shall be used for the following purposes:

(1) To facilitate investment in businesses that lack access to capital;

(2) To make investments into eligible businesses based on an investment strategy determined by the Fund Manager; and

(3) To administer the Fund, including the provision of technical assistance to eligible businesses; provided, that no more than 15% of the District's initial investment may be used annually for this purpose.

Sec. 2164. Fund Manager selection.

(a) The Mayor shall solicit applications, in a form determined by the Mayor, for the position of Fund Manager from private financial organizations. The application shall contain description of:

(1) The qualifications of the applicant, including demonstrable experience in investing in small businesses, businesses owned by economically disadvantaged individuals, businesses owned by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities, or businesses that otherwise meet the definition of, or are similar to, an equity impact enterprise;

(2) How the applicant will structure the Fund and investment criteria to achieve the goals and objectives of the Fund;

(3) The ability and plans of the applicant to provide or raise sufficient funds to provide matching contributions for the Fund;

(4) The ability of the applicant to maintain a sufficient fund balance to administer the Fund;

(5) The type of businesses to be targeted for priority investment from the Fund;

(6) A demonstrable ability to offer a variety of financing vehicles, including equity financing, revenue-based financing, royalty financing, and debt financing;

(7) The investment strategies the applicant will employ to achieve the goals and objectives of the Fund; and

(8) Other criteria that the Mayor considers necessary or appropriate.

(b) The Fund Manager shall be selected from among the applicants for the position based on a scoring rubric established by the Mayor; provided, that:

(1) A preference be given to applicants that are at least 51% owned, operated, or controlled by economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and

(2) If the applicant manages an existing investment fund, the existing fund not exceed $100,000,000 in total investments.

Sec. 2165. Minimum requirements for investment.

(a) The Fund Manager shall source, underwrite, and monitor all investments placed pursuant to this subtitle. Except as otherwise provided by this subtitle, the Mayor shall not determine the recipient, amount, interest rate, or any other requirement related to an investment made pursuant to this subtitle.

(b) The following requirements shall apply to any investment in an eligible business made from the Fund using the District's initial investment or interest earned on the initial investment:

(1) The Fund Manager shall begin accepting applications from eligible businesses seeking investment, on a rolling basis, within 30 days of being selected for the position by the Mayor.

(2) For the Fund Manager to provide an investment from the Fund, the eligible business must agree, in writing, to participate in technical assistance training.

(3) The Fund Manager shall establish, for each selected eligible business, a 12-month individualized business plan. Investments shall be distributed to the eligible business in installments based upon completion of specific milestones clearly described in the business's individualized business plan. The individualized business plan shall include technical assistance, provided at no cost to the business, which shall include education on the management and scale of a business through live training or guided recorded sessions. All eligible businesses that receive an investment from the Fund shall be required to participate in at least 3 months of technical assistance training.

Sec. 2166. Reporting requirements.

The Fund Manager shall submit to the Mayor, on a quarterly basis, a report on the activities of the Fund. The report shall include, at a minimum:

(1) The aggregate amount of dollars invested in eligible businesses during the reporting period;

(2) The number of eligible businesses receiving an investment, including the name and business address for each;

(3) A copy of the individualized business plan for each eligible business, including a description of the technical assistance training provided; and

(4) The aggregate amount of funds in the Fund and a breakdown of the amount of the funds in the Fund used for each of the following, with each amount reported as a percentage of the aggregate amount of the Fund:

(A) The percentage used for technical training assistance;

(B) The percentage used for administration costs; and

(C) The percentage used to compensate the Fund Manager.

Sec. 2167. Recovery of District investment.

The Mayor shall reserve the right to recover the amount of its initial investment into the Fund and may exercise this right if the Fund Manager does not, within a reasonable period, as determined by the Mayor, place investments into eligible businesses in an amount equal to the amount of the District's initial investment into the Fund.

SUBTITLE R. AFFORDABLE HOUSING LOAN FUND AUTHORIZATION

Sec. 2171. Short Title.

This subtitle may be cited as the "Affordable Housing Loan Fund Authorization Congressional Review Emergency Amendment Act of 2020".

Sec. 2172. The Department of Housing and Community Development is authorized to submit an application for the program offered by the U.S. Department of Housing and Urban Development, pursuant to section 108 of the Housing and Community Development Act of 1974, approved August 22, 1974 (88 Stat. 647; 42 U.S.C. § 5308), to provide a gap subsidy resource source for Community Development Block Grant-eligible affordable housing acquisition and rehabilitation projects in Fiscal Year 2021 that also meet the criteria for the use of money in the Housing Preservation Fund, established by section 2032 of the Housing Preservation Fund Establishment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 1-325.351), or the Housing Production Trust Fund, established by section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802).

Sec. 2173. Section 2009(d) of the Department of Housing and Community Development Unified Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(d)), is amended as follows:

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

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

"(2) Costs associated with the application or implementation of projects pursuant to the Affordable Housing Loan Fund Authorization Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on October 6, 2020 (Enrolled version of Bill 23-934), shall not be considered project-delivery costs for purposes of paragraph (1) of this subsection.".

Sec. 2174. Section 3(b)(10) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b)(10)), is amended as follows:

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

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

"(B) Costs associated with the application or implementation of projects pursuant to the Affordable Housing Loan Fund Authorization Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on October 6, 2020 (Enrolled version of Bill 23-934), shall not be considered administration of the Fund for purposes of this paragraph.".

SUBTITLE S. RENT STABILIZATION EXTENSION

Sec. 2181. Short Title.

This subtitle may be cited as the "Rent Stabilization Extension Congressional Review Emergency Amendment Act of 2020".

Sec. 2182. Section 907 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.07), is amended by striking the phrase "shall

terminate on December 31, 2020" and inserting the phrase "shall terminate on December 31, 2030" in its place.

SUBTITLE T. EXPENDITURES FROM THE PUBLIC HOUSING AND STRUCTURAL TRANSFORMATION CAPITAL ACCOUNT

Sec. 2191. Short title.

This subtitle may be cited as the "Expenditures from the Public Housing and Structural Transformation Capital Account Congressional Review Emergency Act of 2020".

Sec. 2192. Expenditures from the Public Housing and Structural Transformation capital account.

(a)(1) Capital project DHA21C ("DHA21C") shall be administered by the Office of the Chief Financial Officer ("OCFO"), with available project allotments advanced to the District of Columbia Housing Authority ("Authority") on a quarterly basis for the encumbrances and expenditures planned for that quarter; provided, that the requirements of subsection (b) of this section are met.

(2) DHA21C funds shall be used by the Authority to fund capital-eligible construction, renovation, or rehabilitation subprojects that:

(A) Increase the longevity of public housing units;

(B) Prevent existing tenants from being displaced; or

(C) Increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist.

(3) DHA21C funds shall not be used to fund the Authority's operating costs, renovation, or rehabilitation of any unit set to be demolished, sold, or otherwise removed from the Authority inventory, or any administrative or overhead costs not specifically attributable to a subproject.

(b)(1) Each fiscal year that DHA21C funds are available, the Authority shall submit to the Mayor, the Council, and the OCFO a proposed spending plan, which shall include:

(A) Documentation that planned encumbrances and expenditures are capital eligible; and

(B) Information on each subproject for which the Authority proposes to use DHA21C funds, including, at a minimum:

(i) The proposed location of the subproject;

(ii) A detailed proposed scope of the subproject;

(iii) A detailed proposed line-item budget for the subproject;

(iv) A detailed proposed timeline for the subproject; and

(v) A statement of whether the implementation of the proposed subproject will require the relocation of tenants and, if relocation is required, a detailed proposed relocation plan.

(2) In the event of significant delays or changes in planned encumbrances and expenditures for any subproject during the fiscal year, the Authority shall update its spending plan and provide additional documentation as needed to minimize unencumbered and unexpended transfers, avoid causing the District to incur unnecessary debt service costs, and ensure that all subproject encumbrances and expenditures are capital eligible.

(c)(1) For each solicitation of a contract valued at $100,000 or more that is funded with money from capital project DHA21C, the Authority shall:

(A) Award preferences to certified business enterprises as provided in section 2343 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.43); and

(B) Exercise its contracting and procurement authority for contracts funded by capital project DHA21C so as to meet, on an annual basis, the goals of procuring and contracting at least 50% of the dollar volume of such contracts ("CBE dollar volume") with certified business enterprises and at least 50% of the CBE dollar volume with small business enterprises.

(2) For the purposes of this subsection, the term:

(A) "Certified business enterprise" shall have the meaning set forth in section 2302(1D) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)).

(B) "Small business enterprise" shall have the meaning set forth in section 2302(16) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(16)).

(d) The Inspector General of the District of Columbia shall audit the Authority's capital project DHA21C financial statements for the previous fiscal year not later than February 1, 2021, and not later than each February 1 thereafter for as long as DHA21C funds remain unspent by the Authority. The Inspector General shall submit to the Mayor, the Chief Financial Officer, and the Council a report on the results of each audit.

SUBTITLE U. DC CENTRAL KITCHEN FACILITY GRANT

Sec. 2201. Short title.

This subtitle may be cited as the "DC Central Kitchen Facility Grant Congressional Review Emergency Act of 2020".

Sec. 2202. Notwithstanding section 4(c) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(c)), and the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2021, the Workforce Investment Council shall award DC Central Kitchen a grant in the amount of $1,000,000 to build a new training facility that will provide culinary training services and community nutrition programming and to aid in the relocation of its headquarters.

SUBTITLE V. C&O CANAL GRANT

Sec. 2211. Short title.

This subtitle may be cited as the "C&O Canal Grant Congressional Review Emergency Act of 2020".

Sec. 2212. (a) In Fiscal Year 2021, the Office of Planning shall award a grant of not less than $500,000 to an organization partnering with the National Park Service to complete concept design plans for the Chesapeake and Ohio Canal in Georgetown.

(b) A grant awarded pursuant to this section shall be in addition to any other grant awarded by the Office of Planning for design work for the Chesapeake and Ohio Canal.

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. CRIMINAL CODE REFORM COMMISSION

Sec. 3001. Short title.

This subtitle may be cited as the "Criminal Code Reform Commission Congressional Review Emergency Amendment Act of 2020".

Sec. 3002. The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

(a) Section 3122(c)(1) (D.C. Official Code § 3-151(c)(1)) is amended by striking the phrase ", or until the Commission is dissolved pursuant to section 3127, and" and inserting the phrase ", and" in its place.

(b) Section 3123 (D.C. Official Code § 3-152) is amended as follows:

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

"Sec. 3123. Duties of the Criminal Code Reform Commission.".

(2) The lead-in language of subsection (a) is amended by striking the phrase "By September 30, 2020" and inserting the phrase "By March 31, 2021" in its place.

(3) Subsection (d) is amended by striking the phrase "provide, upon request by the Council, a legal analysis of proposed legislation concerning criminal offenses, including" and inserting the phrase "provide, upon request by the Council or on its own initiative, a legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms, including" in its place.

(4) Subsection (e) is amended by striking the phrase "regarding criminal code reform to advance" and inserting the phrase "to advance" in its place.

(c) The lead-in language of section 3124(a) (D.C. Official Code § 3-153(a)) is amended by striking the phrase "section 3123" and inserting the phrase "section 3123(a)" in its place.

(d) Section 3125 (D.C. Official Code § 3-154) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "The Commission" and inserting the phrase "Until March 31, 2021, the Commission" in its place.

(2) Subsection (b) is amended by striking the phrase "The Commission shall file an annual report with the Council before March 31 of each year" and inserting the phrase "Before March 31, 2021, the Commission shall file a report with the Council" in its place.

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

"(c) Before March 31, 2022, and annually thereafter, the Commission shall file an annual report with the Council of its activities during the previous calendar year.".

(e) Section 3127 (D.C. Official Code § 3-156) is repealed.

SUBTITLE B. RESTORATIVE JUSTICE COLLABORATIVE

Sec. 3011. Short title.

This subtitle may be cited as the "Restorative Justice Collaborative Congressional Review Emergency Amendment Act of 2020".

Sec. 3012. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2411) is amended as follows:

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

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

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

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

"(4) The Restorative Justice Collaborative, which shall serve as a centralized hub to coordinate and foster restorative justice programming and practices within the District government and by and in partnership with District community-based organizations.".

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

(A) Paragraph (5) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Paragraph (6) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(7) Coordinating and fostering restorative justice programming and practices within the District government and by and in partnership with District community-based organizations, with a focus on the 18-to-35-year old population.".

(b) Section 102(a)(3) (D.C. Official Code § 7-2412(a)(3)) is amended by striking the phrase "programming; and" and inserting the phrase "and restorative justice programming; and" in its place.

SUBTITLE C. EMERGENCY MEDICAL SERVICES TRANSPORT CONTRACT

Sec. 3021. Short title.

This subtitle may be cited as the "Emergency Medical Services Transport Contract Authority Congressional Review Emergency Amendment Act of 2020".

Sec. 3022. Section 3073 of the Emergency Medical Services Transport Contract Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended by striking the date "September 30, 2021" and inserting the date "September 30, 2023" in its place.

SUBTITLE D. SENIOR POLICE OFFICERS PROGRAM

Sec. 3031. Short title.

This subtitle may be cited as the "Senior Police Officers Retention Congressional Review Emergency Amendment Act of 2020".

Sec. 3032. Section 2(h)(1) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)(1)), is amended by striking the date "October 1, 2020" and inserting the date "October 1, 2023" in its place.

SUBTITLE E. OFFICE ON RETURNING CITIZEN AFFAIRS

Sec. 3041. Short title.

This subtitle may be cited as the "Moving the Office on Returning Citizen Affairs Congressional Review Emergency Amendment Act of 2020".

Sec. 3042. Section 3022 of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191), is amended as follows:

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

(1) Paragraph (1) is amended to read as follows:

"(1) Be responsible for providing guidance and support to, and coordination of, public safety, justice, and returning citizen agencies within the District of Columbia government, including the Office on Returning Citizen Affairs, established by section 3 of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302);".

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

"(2) Ensure accountability through general oversight over public safety, justice, and returning citizen agencies, as well as the programs under the jurisdiction of the Office;".

(3) Paragraph (3) is amended by striking the phrase "public-safety and justice services" and inserting the phrase "public safety, justice, and returning citizen services" in its place.

(4) Paragraph (4) is amended by striking the phrase "criminal justice or public-safety issues, in the coordination, planning, and implementation of public-safety and justice matters" and inserting the phrase "public safety, justice, or returning citizen issues, in the coordination, planning, and implementation of public safety, justice, and returning citizen matters" in its place.

(5) Paragraph (5) is repealed.

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

"(e) For the purposes of this section, the term "returning citizens" shall have the same meaning as provided in section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)).".

Sec. 3043. Section 3(a) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(a)), is amended by striking the phrase "established the Office on Returning Citizen Affairs" and inserting the phrase "established, as a subordinate Executive agency within the Public Safety and Justice cluster, the Office on Returning Citizen Affairs" in its place.

SUBTITLE F. CONCEALED PISTOL LICENSING REVIEW BOARD

Sec. 3051. Short title.

This subtitle may be cited as the "Concealed Pistol Licensing Review Board Membership Congressional Review Emergency Amendment Act of 2020".

Sec. 3052. Section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

SUBTITLE G. LITIGATION SUPPORT FUND AND GRANT-MAKING AUTHORITY

Sec. 3061. Short title.

This subtitle may be cited as the "Litigation Support Fund and Grant-Making Authority Congressional Review Emergency Amendment Act of 2020".

Sec. 3062. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b (D.C. Official Code § 1-301.86b) is amended as follows:

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

(A) Paragraph (1)(B) is amended by striking the phrase "Funding staff positions, up to a maximum amount of $4 million" and inserting the phrase "Funding staff positions, personnel costs, and employee retirement and separation incentives, up to a maximum amount of $6 million" in its place.

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

"(2) Beginning in Fiscal Year 2020, up to $7 million deposited into the Fund each fiscal year may be used for the purposes of crime reduction, violence interruption, and other public safety initiatives.".

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

"(3) In Fiscal Year 2021, the first $500,000 deposited into the Fund shall be transferred to the Office of Victim Services and Justice Grants for victim services grants.".

(2) Subsection (d)(3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "$10 million" both times it appears and inserting the phrase "$17 million" in its place.

(B) Subparagraph (B) is amended by striking the phrase "$11.6 million in the Fund until September 30, 2020" and inserting the phrase "$19.1 million in the Fund until September 30, 2021" in its place.

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

"(f) Notwithstanding any other provision of this section, $12,039,659.91 of the amount to be received by the District in Fiscal Year 2021 in settlement of *District of Columbia v. Monsanto Co.*, Superior Court of the District of Columbia Case No. 2020 CA 002445 B, shall be deposited in the Fund and allocated as follows:

"(1) $7,339,659.91 shall be paid in attorney's fees and costs to May Firm/EKM Association on PCBs for legal services received pursuant to Contract No. DCCB-2019-C-0008; and

"(2) $4,700,000 shall be used for the authorized purposes of the Fund pursuant to subsection (c) of this section.".

(b) Section 108c (D.C. Official Code § 1-301.88f) is amended as follows:

(1) The section heading is amended by striking the phrase "reduction and violence interruption" and inserting the phrase "reduction, violence interruption, and assistance to victims of crime and other vulnerable residents" in its place.

(2) Subsection (a) is amended by striking the phrase "reduction and violence interruption" and inserting the phrase "reduction, violence interruption, and assistance to victims of crime and other categories of vulnerable residents served by the Office of the Attorney General, including seniors, children, individuals protected from discrimination under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), and individuals previously involved in the criminal justice system" in its place.

SUBTITLE H. CHIEF OF POLICE TERM OF OFFICE

Sec. 3071. Short title.

This subtitle may be cited as the "Chief of Police Term of Office Congressional Review Emergency Amendment Act of 2020".

Sec. 3072. Section l of An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), is amended by adding a new subsection (e) to read as follows:

"(e)(1) Effective May 2, 2017, the term of office for Chief of Police shall be 4 years; except, that the Mayor may earlier terminate a Chief of Police with or without cause during that Chief of Police's term of office.

"(2) In the event a Chief of Police leaves office prior to the expiration of a 4-year term, the successor Chief nominated by the Mayor and confirmed by the Council shall serve a new 4-year term of office, subject to removal during that term by the Mayor in accordance with paragraph (1) of this subsection.".

SUBTITLE I. MONSANTO SETTLEMENT ALLOCATION

Sec. 3081. Short title.

This subtitle may be cited as the "Monsanto Settlement Allocation Congressional Review Emergency Act of 2020".

Sec. 3082. Notwithstanding any other provision of law, the $52 million to be received by the District in Fiscal Year 2021 in settlement of *District of Columbia v. Monsanto Co.*, Superior Court of the District of Columbia Case No. 2020 CA 002445 B, shall be recognized as revenue and allocated as follows:

(1) $7,339,659.91 shall be deposited in the Litigation Support Fund, established pursuant to section 106b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b) ("Litigation Support Fund"), to pay attorney's fees and costs to May Firm/EKM Association on PCBs for legal services received pursuant to Contract No. DCCB-2019-C-0008;

(2) $4,700,000 shall be deposited into the Litigation Support Fund and used for the authorized purposes of that fund;

(3) $30,000,000 shall be deposited into the Clean Land Fund, established pursuant to section 308 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-633.08), to be used for the authorized purposes of that fund; and

(4) $9,960,340.09 shall be deposited as local funds into the General Fund and shall be made available as set forth in the approved Fiscal Year 2021 Budget and Financial Plan.

SUBTITLE J. ETHICS ENFORCEMENT

Sec. 3091. Short title.

This subtitle may be cited as the "Ethics Enforcement Congressional Review Emergency Amendment Act of 2020".

Sec. 3092. The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(a) Section 215 (D.C. Official Code § 1-1162.15) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase "the United States Attorney for the District of Columbia for enforcement or prosecution;" and inserting the phrase "the prosecutorial authority with jurisdiction for enforcement or prosecution; or" in its place.

(B) Paragraph (3) is repealed.

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

"(b) The Board may refer information concerning an alleged violation of the Code of Conduct or of this title to the prosecutorial authority with jurisdiction for enforcement or prosecution after the presentation of evidence by the Director of Government Ethics to the Board as provided in section 212(b), 213(e), or 214(a).".

(b) Section 221 (D.C. Official Code § 1-1162.21) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "not more than $25,000" and inserting the phrase "not more than $5,000" in its place.

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

"(1A) The fine set forth in paragraph (1) of this subsection shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).".

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

"(2) Prosecutions of violations of this subsection shall be brought by the Attorney General for the District of Columbia.".

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

"(3) For the purposes of this subsection and section 222(a), violations of the following provisions of the Code of Conduct substantially threaten the public trust:

"(A) Section 223; and

"(B) Section 416 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16).".

(2) Subsection (d) is amended by striking the phrase "the Board, the Attorney General of the District of Columbia, or of the United States Attorney for the District of Columbia" and inserting the phrase "the Board or the Attorney General of the District of Columbia" in its place.

TITLE IV. PUBLIC EDUCATION SYSTEMS

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA INCREASE

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Increase Congressional Review Emergency Amendment Act of 2020".

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104(a) (D.C. Official Code § 38-2903(a)) is amended by striking the phrase "$10,980 per student for Fiscal Year 2020" and inserting the phrase "$11,310 per student for Fiscal Year 2021" in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

ENROLLED ORIGINAL

"Grade Level	Weighting	Per Pupil Allocation in FY 2021
"Pre-Kindergarten 3	1.34	$15,155
"Pre-Kindergarten 4	1.30	$14,703
"Kindergarten	1.30	$14,703
"Grades 1-5	1.00	$11,310
"Grades 6-8	1.08	$12,215
"Grades 9-12	1.22	$13,798
"Alternative program	1.445	$16,343
"Special education school	1.17	$13,233
"Adult	0.89	$10,066

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
"Level 1: Special Education	Eight hours or less per school week of specialized services	0.97	$10,971
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	$13,572
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	$22,281

"Level 4: Special Education	More than 24 hours per school week of specialized services, which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	$39,472
"Special Education Compliance Funding	Weighting provided in addition to special education level add-on weightings on a per-student basis for special education compliance.	0.099	$1,120
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney's fees.	0.089	$1,007
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	$18,888

"General Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
"ELL	Additional funding for English Language Learners	0.49	$5,542
"At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level	0.2256	$2,552

"Residential Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021

"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.37	$4,185
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.34	$15,155
"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	$32,686
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited- and non-English-proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	$32,686
"LEP/NEP - Residential	Additional funding to support the after-hours limited- and non-English-proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	$7,555

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
"Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs.	0.063	$713
"Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.227	$2,567
"Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	$5,553
"Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	$5,553

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(d) Section 115 (D.C. Official Code § 38-2913) is amended by striking the phrase "Fiscal Year 2022" and inserting the phrase "Fiscal Year 2024" in its place.

SUBTITLE B. EDUCATION FACILITY COLOCATION

Sec. 4011. Short title.

This subtitle may be cited as the "Education Facility Colocation Congressional Review Emergency Amendment Act of 2020".

Sec. 4012. Section 3422 of the Public School and Public Charter School Facilities Sharing Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 38-1831.01), is amended as follows:

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

"(a) The District of Columbia Public Schools system may allow existing public charter schools that are chartered pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code 38-1800.01 *et seq.*), to utilize

space in DCPS facilities, for a period not greater than 15 years, where such facilities are currently or are projected to be underutilized.".

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

(1) Paragraphs (1) and (2) are amended to read as follows:

"(1) As payment for the space allocation, the public charter school shall pay to DCPS an amount agreeable to the charter school and DCPS.

"(2) The amount of payment shall be agreed upon before relocation of any public charter school into a DCPS facility.".

(2) Paragraph (3) is repealed.

(c) Subsection (c) is amended by striking the phrase "Board of Education shall" and inserting the phrase "Mayor may" in its place.

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

"(d)(1) There is established as a special fund the DCPS School Facility Colocation Fund ("Fund"), which shall be administered by DCPS in accordance with paragraph (3) of this subsection.

"(2) All payments received from public charter schools under this section shall be deposited in the Fund.

"(3) Money in the Fund shall be used for the following purposes:

"(A) To fund additional school programming, supplemental staff, special initiatives, and other activities and programs at DCPS schools in which charter schools are colocated; and

"(B) For maintenance of, or improvements to, DCPS schools in which charter schools are colocated.

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

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

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

"(e) Any funds received by a DCPS school pursuant to this section shall be supplemental to any funds budgeted for the school from the Uniform Per Student Funding Formula or other fund source. A school's school-based budget shall not be reduced based on funds received pursuant to this section.".

SUBTITLE C. CHILD CARE GRANTS

Sec. 4021. Short title.

This subtitle may be cited as the "Grantmaking Authority to Expand Access to Quality Child Care Congressional Review Emergency Amendment Act of 2020".

Sec. 4022. Child care grantmaking authority.

Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) Paragraph (30) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (31)(C) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (32) is added to read as follows:

"(32) Have the authority to issue grants, from funds under its administration, to non-profit and community-based organizations to increase access to, the affordability of, and the quality of child care in the District.".

SUBTITLE D. UNIVERSITY OF THE DISTRICT OF COLUMBIA FUNDRAISING MATCH

Sec. 4031. Short title.

This subtitle may be cited as the "University of the District of Columbia Fundraising Match Congressional Review Emergency Act of 2020".

Sec. 4032. (a) In Fiscal Year 2021, of the funds allocated to the Non-Departmental agency, $1, up to a maximum of $1.5 million, shall be transferred to the University of the District of Columbia ("UDC") to match dollar-for-dollar the amount UDC raises from private donations by April 1, 2021.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less than one-third of the funds shall be deposited into UDC's endowment fund.

SUBTITLE E. ADULT AND RESIDENTIAL PUBLIC CHARTER SCHOOL STABLIZATION

Sec. 4041. Short title.

This subtitle may be cited as the "Adult and Residential Public Charter School Funding Stabilization Congressional Review Emergency Amendment Act of 2020".

Sec. 4042. Section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02), is amended by adding a new subsection (c-1) to read as follows:

"(c-1)(1) Notwithstanding subsections (b), (c), (d), and (g) of this section, for School Year 2020-2021, the annual payment pursuant to the Funding Formula for each adult education program and each residential public charter school shall equal the total estimated costs for the number of District resident students projected to be enrolled in the adult education program or the residential public charter school, during School Year 2020-2021, including the costs of all add-on components provided in sections 106 and 106a, based on the program or school's

enrollment projections contained in the Mayor's Fiscal Year 2021 proposed budget, as modified pursuant to section 107(e).

"(2)(A) The first quarterly payment shall be 35% of a school's annual payment.

"(B) A school's October 25, January 15, and April 15 payments shall each equal 1/3 of the school's total remaining annual payment after the first quarterly payment is made.

"(3) For the purposes of this subsection, the term:

"(A) "Adult education program" means a public charter school or a program in a public charter school that, during School Year 2019-2020, was identified as an adult education performance management framework school by the District of Columbia Public Charter School Board.

"(B) "Residential public charter school" means a public charter school that, during School Year 2019-2020, provided a majority of its students with room and board in a residential setting, in addition to their instructional program.".

SUBTITLE F. SCHOOL FINANCIAL TRANSPARENCY

Sec. 4051. Short title.

This subtitle may be cited as the "School Financial Transparency Congressional Review Emergency Amendment Act of 2020".

Sec. 4052. Section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191), is amended as follows:

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

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

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

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

"(10)(A) By May 31, 2021, establish common financial reporting standards for the non-capital budgets and expenditures of District of Columbia Public Schools and public charter schools. The common financial reporting standards shall:

"(i) Include categories for reporting budgets and expenditures for instructional staff, school administrators, instructional supports, educational materials, and non-educational administrative costs;

"(ii) Permit meaningful and accurate budget and expenditure comparisons, including comparisons of budgets and expenditures for at-risk students, as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)), between all public schools and between all local education agencies;

"(iii) Ensure full and accurate disclosure of administrative costs for each local education agency; and

"(iv) Make it possible to collect comparable data by school campus.

"(B) For the purposes of this paragraph, the term:

"(i) "Local education agency" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

"(ii) "Public schools" includes public charter schools.".

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

"(f)(1) To support the establishment of common financial reporting standards required pursuant to subsection (b)(10) of this section, the Deputy Mayor for Education may issue grants not to exceed $200,000, in Fiscal Year 2021.

"(2) Grants issued pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).".

Sec. 4053. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended by adding a new paragraph (3A) to read as follows:

"(3A) Beginning in May 2024, and annually thereafter, electronically publish for each public school and public charter school the previous school year's expenditures, based on the common financial reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)), in a manner that permits the public to easily compare expenditures between individual schools and between local education agencies.".

Sec. 4054. The Board of Education Continuity and Transition Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-211; D.C. Official Code §§ 38-2831 and 38-2951 *et seq.*), is amended as follows:

(a) Section 6 (D.C. Official Code § 38-2831) is amended as follows:

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

(A) Paragraph (1) is amended to read as follows:

"(1) All funds budgeted for each school, including a summary statement or table of the local-funds budget for each school, by revenue source for activities and service levels, and by revenue source for comptroller source group by activities and service levels;"

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

(C) Paragraph (3)(B) is amended by striking the period and inserting a semicolon in its place.

(D) New paragraphs (4) and (5) are added to read as follows:

"(4) The methodology used to determine each school's local funding; and

"(5) For each school's individual budget, a separate budget line item for funding allocated to at-risk students, as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)), as coded in the District's current official financial system of record.".

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

"(g) By December 1, 2023, and annually thereafter, the Mayor shall transmit a report of the previous school year's actual expenditures, for each school, to the Office of the State Superintendent of Education. The report shall conform to the common financial reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)).".

(b) A new section 6a is added to read as follows:

"Sec. 6a. District of Columbia Public Schools school-level budget model.

"As part of the District of Columbia Public Schools' ("DCPS") regular multi-year strategic planning and goal setting, DCPS shall include, and make publicly available, an analysis of the model used to determine school-level budgets for DCPS schools. The analysis shall include the following:

"(1) A summary of DCPS costs, including personnel costs;

"(2) Research in education and education finance;

"(3) A discussion of budget alignment with DCPS priorities; and

"(4) Recommendations for changes, if applicable.".

Sec. 4055. Section 106a of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 1998, effective February 22, 2014 (D.C. Law 20-87; D.C. Official Code § 38-2905.01), is amended by adding a new subsection (d) to read as follows:

"(d) Beginning December 31, 2023, and annually thereafter, every local education agency that is allocated funds pursuant to this section shall provide the Office of the State Superintendent of Education with data related to expenditures of such funds consistent with reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)).".

Sec. 4056. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1802.01 *et seq.*), is amended as follows:

(a) Section 2204(c) (D.C. Official Code § 38-1802.04(c)), is amended by adding a new paragraph (23) to read as follows:

"(23) *School expenditures and budgets.* —

"(A) Beginning July 29, 2022, and annually thereafter, the Board of Trustees of each public charter school shall prepare and submit to the Public Charter School Board and OSSE, for each campus under its control, the following data:

"(i) Actual expenditures for the prior school year;

"(ii) The current school year's budget; and

"(iii) A draft budget for the following school year.

"(B) The data submitted pursuant to subparagraph (A) of this paragraph shall conform to the common financial reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)).

"(C) The Public Charter School Board shall electronically publish the data it receives pursuant to subparagraph (A) of this paragraph in a uniform manner for each school by November 1 each year.".

(b) Section 2205 (D.C. Official Code § 38-1802.05) is amended by adding a new subsection (e) to read as follows:

"(e) *Open meetings.* — All meetings of a Board of Trustees shall be subject to the requirements of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).".

Sec. 4057. The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 404(3) (D.C. Official Code § 2-574(3)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "agency, or" and inserting the phrase "agency, the board of trustees of a public charter school, or" in its place.

(2) Subparagraph (C) is repealed.

(b) Section 405(b) (D.C. Official Code § 2-575(b)) is amended as follows:

(1) Paragraph (10) is amended by striking the semicolon and inserting the phrase ", or of public charter school personnel, where the public body is the board of trustees of a public charter school;" in its place.

(2) Paragraph (11) is amended by striking the phrase "obtained from outside the government" and inserting the phrase "obtained from outside the government or public body" in its place.

(3) Paragraph (13) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(4) Paragraph (14) is amended by striking the period and inserting a semicolon in its place.

(5) New paragraphs (15) and (16) are added to read as follows:

"(15) To discuss matters involving personally identifiable information of students; and

"(16)(A) When the public body is the board of trustees for a public charter school, to meet with the staff of an eligible chartering authority, for the purpose of being evaluated by the eligible chartering authority.

"(B) Subparagraph (A) of this paragraph shall not be construed to permit the board of trustees for a public charter school to close a meeting that would otherwise be open merely because the staff of an eligible charting authority is participating.".

(c) Section 406(3) (D.C. Official Code § 2-576(3)) is amended by striking the phrase "subsection, notice" and inserting the phrase "subsection, except for meetings of boards of trustees for public charter schools, notice" in its place.

(d) Section 408(b)(1) (D.C. Official Code § 2-578(b)(1)) is amended by striking the period and inserting the phrase ", or in the case of a board of trustees for a public charter school, no later than 30 business days after the meeting.".

SUBTITLE G. HEALTHY SCHOOLS FUND RESTORATION

Sec. 4061. Short title.

This subtitle may be cited as the "Healthy Schools Fund Restoration Congressional Review Emergency Amendment Act of 2020".

Sec. 4062. Section 102(f) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.02(f)), is amended by striking the phrase "Beginning on October 1, 2019, an amount of $5,110,000" and inserting the phrase "Beginning on October 1, 2020, an amount of $5,590,000" in its place.

SUBTITLE H. WILKINSON SCHOOL DISPOSITION PROCESS

Sec. 4071. Short title.

This subtitle may be cited as the "Wilkinson School Disposition Process Congressional Review Emergency Amendment Act of 2020".

Sec. 4072. Section 2209(b)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-125; D.C. Official Code § 38-1802.09(b)(1)), is amended by adding a new subparagraph (B-ii) to read as follows:

"(B-ii) Notwithstanding subparagraph (A) of this paragraph, the Mayor may give the right of first offer to purchase, lease, or otherwise use the former Wilkinson Elementary School building to:

"(I) A charter school facility incubator that leased the former Birney Elementary School Building as of October 1, 2020; or

"(II) A public charter school that occupied all, or a portion of, the former Birney Elementary School building as of October 1, 2020.".

Sec. 4073. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (a)(1) is amended by striking the number "20" and inserting the number "15" in its place.

(b) A new subsection (b-6) is added to read as follows:

"(b-6)(1) Notwithstanding subsections (a-1)(4) and (b-2) of this section, for the disposition of the former Wilkinson Elementary School in Ward 8 ("Wilkinson real property"), the Mayor shall hold at least one public hearing on the finding that the Wilkinson real property is no longer required for public purposes and to obtain community input on the proposed disposition of the Wilkinson real property before submitting the proposed surplus resolution and proposed disposition resolution to the Council pursuant to this section.

"(2) The hearing required by paragraph (1) of this subsection shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the Wilkinson real property. The Mayor shall provide at least 30 days written notice of the hearing to the affected Advisory Neighborhood Commission and publish notice of the hearing in the District of Columbia Register at least 15 days before the hearing.".

SUBTITLE I. ACADEMIC MIDDLE MENTORING INITIATIVE

Sec. 4081. Short title.

This subtitle may be cited as the "Academic Middle Mentoring Initiative Congressional Review Emergency Act of 2020".

Sec. 4082. In Fiscal Year 2021, the Office of the State Superintendent of Education shall award, on a competitive basis, a grant of $200,000 to support a mentoring program that mentors low-income high school students and low-income, first generation college students in the academic middle, who are enrolled in or who graduated from a District public or public charter school, to provide the students with the skills and experiences needed to successfully complete college and excel in the workforce.

SUBTITLE J. TRUANCY PREVENTION AND LITERACY PILOT FUNDING EXTENSION

Sec. 4091. Short title.

This subtitle may be cited as the "Truancy Prevention and Literacy Pilot Funding Extension Congressional Review Emergency Amendment Act of 2020".

Sec. 4092. Section 403(g) of the Community Schools Incentive Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code § 38-754.03(g)), is amended by adding a new paragraph (4) to read as follows:

"(4) Any funds awarded pursuant to paragraph (1) of this subsection but not expended in Fiscal Year 2020 shall be available to the grant recipients until September 30, 2021.".

SUBTITLE K. DCPS AUTHORITY FOR SCHOOL SECURITY

Sec. 4101. This subtitle may be cited as the "DCPS Authority for School Security Congressional Review Emergency Amendment Act of 2020".

Sec. 4102. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

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

"(1B) "MOA" means the Memorandum of Agreement into which DCPS and MPD enter pursuant to section 104.".

(2) Paragraph (4) is repealed.

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

"(5) "School security personnel" means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.".

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

"(5A) "Security-related contract" means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.".

(5) Paragraph (6) is repealed.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "security for the District of Columbia Public Schools" and inserting the phrase "school resource officers to the DCPS schools and public charter schools" in its place.

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

"(c) The School Safety Division shall:

"(1) Hire and train school resource officers;

"(2) Deploy school resource officers to:

"(A) DCPS schools, consistent with the terms of the MOA; and

"(B) Public charter schools;

"(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and

"(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.".

(c) Section 103 (D.C. Official Code § 5-132.03) is amended as follows:

(1) The section heading is amended by striking the phrase "security personnel" and inserting the phrase "resource officers" in its place.

(2) The lead-in language is amended by striking the phrase "security personnel providing security for DCPS" and inserting the phrase "resource officers" in its place.

(3) Paragraph (7) is amended by striking the phrase "laws and regulations, including Board of Education regulations" and inserting the phrase "laws and regulations" in its place.

(4) Paragraph (8) is amended by striking the phrase "security personnel" and inserting the phrase "resource officers" in its place.

(d) New sections 103a and 103b are added to read as follows:

"Sec. 103a. DCPS responsibilities for school security.

"(a) By October 1, 2020, DCPS shall be responsible for school security personnel within DCPS schools, and shall:

"(1) Oversee the hiring or contracting of school security personnel for DCPS;

"(2) Deploy school security personnel to DCPS schools;

"(3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;

"(4) Execute, approve, administer, monitor, and provide oversight over any security-related contract for school security personnel; and

"(5) Create and implement school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

"Sec. 103b. Training for school security personnel.

"(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to section 103 to train its school security personnel.

"(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

"(1) Child and adolescent development;

"(2) Effective communication skills;

"(3) Behavior management;

"(4) Conflict resolution, including restorative justice practices;

"(5) De-escalation techniques;

"(6) Behavioral health issues for youth and families;

"(7) Child sexual abuse and gender-based violence prevention, identification, and response;

"(8) Availability of social services for youth;

"(9) District of Columbia laws and regulations;

"(10) Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and

"(11) Violence prevention, including gang and crew dynamics.".

(e) Section 104 (D.C. Official Code § 5-132.04) is amended to read as follows:

"Sec. 104. Coordination of school security efforts between DCPS and MPD.

"By October 1, 2020, DCPS and MPD shall enter into a MOA for the purpose of coordinating the agencies' respective security obligations at DCPS schools. The MOA shall:

"(1) Reflect DCPS's role as the administrator of any security-related contract;

"(2) Include provisions for effectuating the transfer of any personnel, property, funds, or records necessary to transfer responsibility for any existing security-related contract from MPD to DCPS;

"(3) Delineate lines of authority, supervision, and communication between MPD and DCPS, including how school resource officers deployed at each school will provide security in coordination with the school's principal and school security personnel; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan, as defined by section 2(1A) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A));

"(4) Include a process for resolving disagreements between DCPS and MPD at all levels; and

"(5) Provide for MPD advice and consultation on DCPS school building security and emergency operations plans.".

(f) Section 105 (D.C. Official Code § 5-132.05) is amended to read as follows:

"Sec. 105. Authority to issue RFPs for school security-related contracts.

"(a)(1) By October 1, 2020, DCPS shall be responsible for administering and funding any security-related contract effective during the 2020-2021 school year.

"(2) MPD shall transfer to DCPS all personnel, property, funds, or records necessary for DCPS to administer and fund any security-related contract effective during the 2020-2021 school year.

"(b) Responsibility for the issuance of a Request for Proposals ("RFP") for any security-related contract for DCPS for a contract term to begin June 30, 2021, or later shall transfer from the MPD to DCPS as of August 5, 2020. DCPS shall be responsible for awarding, executing, administering, and funding a contract resulting from an RFP issued under this subsection.".

TITLE V. HUMAN SUPPORT SERVICES

SUBTITLE A. MEDICAID HOSPITAL SUPPLEMENTAL AND DIRECTED PAYMENTS

Sec. 5001. Short title.

This subtitle may be cited as the "Medicaid Hospital Supplemental and Directed Payments Congressional Review Emergency Amendment Act of 2020".

Sec. 5002. The Medicaid Hospital Outpatient Supplemental Payment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.01 *et seq.*), is amended as follows:

(a) Section 5062(5) (D.C. Official Code § 44-664.01(5)) is amended by striking the phrase "September 30 of the period 3 fiscal years prior to the fiscal year the fee is assessed" and inserting the phrase "September 30, 2018" in its place.

(b) Section 5063(c)(1) (D.C. Official Code § 44-664.02(c)(1)) is amended by striking the semicolon and inserting the phrase ", either directly or through payments to managed care organizations;" in its place.

(c) Section 5064(a)(1) and (2) (D.C. Official Code § 44-664.03(a)(1) and (2)) is amended to read as follows:

"(1) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for private hospitals applicable to District Fiscal Year 2020, consistent with requirements and approvals from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; plus

"(2) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for District operated hospitals applicable to District Fiscal Year 2020, consistent with the federal approval of the authorizing Medicaid State Plan amendment or associated templates and other authorities; plus".

(d) Section 5065(a) (D.C. Official Code § 44-664.04(a)) is amended by striking the phrase "the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment" and inserting the phrase "the District obtains approvals required by the Centers for Medicare and Medicaid Services for" in its place.

(e) Section 5066 (D.C. Official Code § 44-664.05) is amended to read as follows:

"Sec. 5066. Medicaid outpatient hospital access payments; payments to MCOs.

"(a) For visits and services beginning October 1, 2020, the District shall pay managed care organizations ("MCOs") at a rate sufficient to support payments to hospitals located in the District for outpatient services at a rate that is not less than 130% of the District Fiscal Year 2020 fee-for-service base rate and shall direct MCOs to pay such rate to their participating hospitals located in the District for such services.

"(b) No payment shall be made under this section until such time that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment, associated template, and other authorities authorizing the Medicaid payments described in this section.

"(c) The Medicaid payment methodologies authorized under this section shall not be altered unless such alteration is necessary to gain approval from the Centers for Medicare and Medicaid Services.".

Sec. 5003. Section 5013(a) of the Medicaid Hospital Inpatient Rate Supplement Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.13(a)), is amended to read as follows:

"(a)(1) Beginning October 1, 2020, and except as provided in subsection (b) of this section and section 5087, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

"(2) The fee shall be charged at a uniform rate necessary to generate no more than $8,454,038 to support inpatient Medicaid Fee-for-Service and managed care rates at the District Fiscal Year 2015 level of not less than 98% of cost to non-specialty hospitals.

"(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5083.".

SUBTITLE B. MEDICAL MARIJUANA PROGRAM ADMINISTRATION

Sec. 5011. Short title.

This subtitle may be cited as the "Medical Marijuana Program Administration Congressional Review Emergency Amendment Act of 2020".

Sec. 5012. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1671.01), is amended as follows:

(1) Paragraphs (1), (1A), (1B), and (1C) are redesignated as paragraphs (1B), (1C), (1D), and (1E), respectively.

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

"(1) "ABC Board" means the Alcoholic Beverage Control Board.".

"(1A) "ABRA" means the Alcoholic Beverage Regulation Administration.

(3) Paragraph (3)(B) is amended by striking the phrase "with the Department" and inserting the phrase "with ABRA" in its place.

(4) Paragraph (5) is amended by striking the phrase "with the Mayor" and inserting the phrase "with ABRA" in its place.

(5) Paragraph (6) is repealed.

(6) Paragraph (7) is amended by striking the phrase "with the Mayor" and inserting the phrase "with ABRA" in its place.

(7) Paragraph (19) is amended by striking the phrase "if the Department" and inserting the phrase "if ABRA" in its place.

(8) Paragraph (21) is amended by striking the phrase "by the Department" and inserting the phrase "by ABRA" in its place.

(b) Section 3 (D.C. Official Code § 7-1671.02) is amended as follows:

(1) Subsection (c)(1)(B) is amended by striking the phrase "with the Mayor" and inserting the phrase "with ABRA" in its place.

(2) Subsection (d) is amended by striking the phrase "with the Mayor" and inserting the phrase "with ABRA" in its place.

(c) Section 5(b)(2) (D.C. Official Code § 7-1671.04(b)(2)) is amended by striking the phrase "by the Mayor" and inserting the phrase "by ABRA" in its place.

(d) Section 6 (D.C. Official Code § 7-1671.05) is amended as follows:

(1) The lead-in language is amended by striking the phrase "The Program shall be administered by the Mayor and shall" and inserting the phrase "The Program shall" in its place.

(2) Paragraph (1)(A) is amended by striking the phrase "with the Department" and inserting the phrase "with ABRA" in its place.

(3) Paragraph (4)(A) is amended as follows:

(A) Subparagraph (iv) is amended by striking the phrase "by the Department" and inserting the phrase "by the ABC Board" in its place.

(B) Subparagraph (v) is amended by striking the phrase "by the Mayor" and inserting the phrase "by ABRA" in its place.

(4) Paragraph (5A) is amended as follows:

(A) The lead-in language is amended by striking the phrase "by the Department" and inserting the phrase "by the ABC Board" in its place.

(B) Subparagraph (C) is amended by striking the phrase "by the Department" and inserting the phrase "by the ABC Board" in its place.

(5) Paragraph (5B)(D) is amended by striking the phrase "that the Department" and inserting the phrase "that ABRA" in its place.

(6) Paragraph (7) is amended by striking the phrase "if the Mayor determines" and inserting the phrase "if the ABC Board determines" in its place.

(7) Paragraph (10)(A) is amended by striking the phrase "apply to the Mayor" and inserting the phrase "apply to the ABC Board" in its place.

(8) Paragraph (14) is amended by striking the phrase "notify the Department" and inserting the phrase "notify ABRA" in its place.

(e) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "with the Mayor" and inserting the phrase "with ABRA" in its place.

(B) Paragraph (3)(A) is amended by striking the phrase "determined by rulemaking" and inserting the phrase "determined by the Mayor by rules issued in accordance with section 14" in its place.

(C) Paragraph (4) is amended by striking the phrase "The Mayor" and inserting the phrase "The ABC Board" in its place.

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

"(5)(A) An application for registration of a dispensary, cultivation center, or testing laboratory submitted by a medical cannabis certified business enterprise, or applicant

eligible to be a medical cannabis certified business enterprise, shall be awarded a preference point equal to 50 points or 20% of the available points, whichever is more.

"(B) A medical cannabis certified business enterprise shall:

"(i) Have one or more owners who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities and who are District residents and individually or collectively own at least 60% of the licensed business enterprise;

"(ii) Have one or more owners whose income does not exceed $349,999, who are residents of the District, and whose net worth, excluding the value of their residence, does not exceed $1 million, and individually or collectively own at least 60% of the licensed business enterprise;

"(iii) Have a chief executive officer and its highest-level managerial employees perform their managerial functions in a principal office located in the District;

"(iv) Have at least 50% of its employees be residents of the District;

"(v) Have at least 50% of its contractors be residents of the District; and

"(vi) Have at least 80% of the assets of the certified business enterprise, including bank accounts, be in the District.

"(C) An applicant seeking to qualify as a medical cannabis certified business enterprise shall submit with the application for registration of a dispensary, cultivation center, or testing laboratory, an affidavit attesting to:

"(i) The number of owners of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities;

"(ii) The ownership interest of any owners of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities;

"(iii) The number of employees of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and

"(iv) The number of contractors of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

"(D) For the purpose of this paragraph, the term:

"(i) "Economically disadvantaged individual" shall have the same meaning as set forth in section 2302(7) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(7)).

"(ii) "Medical cannabis certified business enterprise" means a certified business enterprise, as that term is defined in section 2302(1D) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)), that operates a medical cannabis business as a dispensary, cultivation center, or testing laboratory.".

(2) Subsection (e)(3) is amended by striking the phrase "that the Mayor may allow" and inserting the phrase "that the ABC Board may allow" in its place.

(3) Subsection (g-2) is amended by striking the phrase "the Mayor" and inserting the phrase "the ABC Board" in its place.

(4) Subsection (g-3) is amended by striking the phrase "the Mayor" and inserting the phrase "the ABC Board" in its place.

(5) Subsection (j) is amended by striking the phrase "the Mayor" and inserting the phrase "the ABC Board" in its place.

(f) Section 8(a) (D.C. Official Code § 7-1671.07) is amended by striking the phrase "to the Department" and inserting the phrase "to ABRA" in its place.

(g) A new section 9a is added to read as follows:

"Sec. 9a. Medical Cannabis Administration Fund.

"(a) There is established as a special fund the Medical Cannabis Administration Fund ("Fund"), which shall be administered by ABRA in accordance with subsection (c) of this section.

"(b) All funds received from medical cannabis licensing, permitting, and registration fees shall be deposited into the Fund.

"(c) Money deposited in the Fund shall be used by ABRA for the purpose of administering the medical marijuana program.

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

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

"(e) Funds received from penalties and fines imposed under section 9 shall be credited to the unassigned fund balance of the General Fund of the District of Columbia.".

(h) Section 14 (D.C. Official Code § 7-1671.13) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Pursuant to the transfer of functions of the Department of Health to ABRA by D.C. Official Code § 25-204.02, the Mayor shall issue rules in accordance with subsection (b) of this

section, which rules shall allow registered dispensaries to provide medical marijuana to qualifying patients through delivery, curbside pickup, and at-the-door options.".

Sec. 5013. Chapter 2 of Title 25 of the District of Columbia Official Code is amended as follows:

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

"25-204.02. Medical marijuana program; transfer of functions of the Department of Health.".

(b) A new section 25-204.02 is added to read as follows:

"§ 25-204.02. Medical marijuana program; transfer of functions of the Department of Health.

"(a) The Board and ABRA shall be responsible for carrying out the responsibilities assigned to them by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*) ("Medical Marijuana Act"), and for any responsibilities of the Mayor under the Medical Marijuana Act that the Mayor delegates to the Board or ABRA.

"(b)(1) Except as provided in paragraph (2) of this subsection, all personal property, assets, records, including both electronic and physical files, licensing agreements, and contracts, equipment, computer software, obligations, and unexpended balances of appropriations, allocations, assets, and liabilities, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration by the Department of Health of the medical marijuana program pursuant to the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), as of September 30, 2020, are transferred to ABRA.

"(2) This subsection shall not apply to the personal property, assets, records, including both electronic and physical files, licensing agreements, and contracts, equipment, computer software, obligations, and unexpended balances of appropriations, allocations, assets, and liabilities, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration by the Department of Health of the medical marijuana program that are within the purview of the Board of Medicine, Board of Nursing, or Board of Dentistry.

"(c) All rules, orders, obligations, determinations, contracts, agreements, and understandings of the Department of Health pertaining to the medical marijuana program shall remain in effect until such time as they may be lawfully amended, modified, or repealed.

"(d) ABRA shall coordinate with the Department of Health regarding the transition of the administration of the medical marijuana program to ABRA.

"(e)(1) The directors of ABRA and the Department of Health shall jointly determine which personnel, if any, of the Department of Health associated with the administration of the medical marijuana program shall be transferred from the Department of Health to ABRA.

"(2) Personnel who are transferred to ABRA pursuant to this subsection shall be subject to the ABRA Director's personnel authority, pursuant to section 406(b)(21) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(21)), including as it relates to employment classifications and pay scales.".

SUBTITLE C. STEVIE SELLOWS DIRECT SUPPORT PROFESSIONALS QUALITY IMPROVEMENTS

Sec. 5021. Short title.

This subtitle may be cited as the "Stevie Sellows Direct Support Professionals Quality Improvements Congressional Review Emergency Amendment Act of 2020".

Sec. 5022. Section 47-1273(a) of the District of Columbia Official Code is amended by striking the figure "5.5%" and inserting the figure "6.0%" in its place.

SUBTITLE D. MEDICAID RESERVE RE-ESTABLISHMENT

Sec. 5031. Short title.

This subtitle may be cited as the "Medicaid Reserve Re-Establishment Congressional Review Emergency Amendment Act of 2020".

Sec. 5032. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended as follows:

(a) Section 8a (D.C. Official Code § 7-771.07a), is amended by adding a new subsection (a-3) to read as follows:

"(a-3) For Fiscal Year 2021, the Director may issue grants pursuant to section 8b(b)(4)(B)(ii) and (iii).".

(b) A new section 8b is added to read as follows:

"Sec. 8b. Medicaid reserve.

"(a) Beginning October 1, 2020, a Medicaid reserve shall be re-established as paper agency of the Department.

"(b) Notwithstanding D.C. Official Code §§ 47-361, 47-362, 47-363, and 47-365, funds may be transferred from the Medicaid reserve to the Department:

"(1) To pay expenses associated with increased Medicaid enrollment or service utilization upon a determination by the Agency Fiscal Officer that available funds within the Department are projected to be exhausted;

"(2) To pay expenses associated increased costs of Medicaid services upon a determination by the Agency Fiscal Officer that available funds within the Department are projected to be exhausted;

"(3) To satisfy the District's requirement that sufficient funds be available to support a Department contract or a grant; and

"(4) Provided that sufficient funds are still available within the Medicaid reserve to ensure a deficiency will not occur at the Department, to support the following health innovations within the Department:

"(A) To create a Medicaid Buy-In Program;

"(B) To fund telehealth programs including:

"(i) Maintaining audio-only telehealth programs after a public health emergency;

"(ii) Funding the Postpartum Coverage Expansion Act of 2020, enacted on August 14, 2020 (D.C. Act 23-390; 67 DCR 9887); and

"(iii) Issuing contracts or grants for the purposes of expanding District health care providers' digital or telehealth capacity, including, for example, such innovations as the creation or expansion of patient care coordination platforms to enable nonprofit entities and practitioners to communicate with Medicaid beneficiaries' clinical and recovery support care teams in real time to improve continuity of care and ensure proper follow-up, including the purchase of telecommunications services, information services, devices, software, remote patient monitoring tools, and digital health tools;

"(C) To fund reforms to the DC Healthcare Alliance Program, including:

"(i) Allowing eligible District residents to submit Alliance applications electronically, without a face-to-face interview with the Department of Human Services, during a public health emergency;

"(ii) Allowing Alliance clients to submit recertification applications to health care providers approved by the Department, without a face-to-face interview with the Department of Human Services, after a public health emergency;

"(iii) Extending the Alliance eligibility period from 6 months to one year; and

"(D) To award a competitive grant in an amount not to exceed $150,000 to fund operating expenses associated with the provision of medical respite care services to individuals who are homeless.

"(c) The Office of the Chief Financial Officer shall notify the Budget Director of the Council of the District of Columbia in writing within 3 business days whenever a transfer is made from the Medicaid reserve pursuant to this section. The notice shall set forth the amount and purpose of the transfer.

"(d) Funds may be reprogrammed from the Medicaid reserve for purposes other than those detailed in subsection (b) of this section, subject to subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code; provided, that the Office of the Chief Financial Officer determines that sufficient funds are still available within the Medicaid reserve to ensure a deficiency will not occur at the Department.".

SUBTITLE E. TELEHEALTH REIMBURSEMENT

Sec. 5041. Short title.

This subtitle may be cited as the "Telehealth Reimbursement Congressional Review Emergency Amendment Act of 2020".

Sec. 5042. Section 2(4) of the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861(4)), is amended by striking the phrase "through audio only telephones, electronic mail messages, or facsimile" and inserting the phrase "through email messages or facsimile" in its place.

SUBTITLE F. HEALTH PROFESSIONAL RECRUITMENT AND RETENTION

Sec. 5051. Short title.

This subtitle may be cited as the "District of Columbia Health Professional Recruitment and Retention Congressional Review Emergency Amendment Act of 2020".

Sec. 5052. The District of Columbia Health Professional Recruitment Program Act of 2005, effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 7-751.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "recruitment tool" and inserting the phrase "recruitment and retention tool" in its place.

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

"(b) Based on the availability of funds, the Program will pay for, among other expenses, the cost of education necessary to obtain a health professional degree. The Program will pay toward the outstanding principal, interest, and related expense of federal, state, or local government loans and commercial loans obtained by the participant for:

"(1) School tuition and required fees incurred by the participant;

"(2) Reasonable educational expenses; and

"(3) Incentive payments that lead to the retention of existing Program participants to practice in Ward 7 or 8; provided, that retention incentives shall be limited to $15,000 per participant per year.".

(b) Section 9 (D.C. Official Code § 7-751.08), is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Physicians who specialize and practice in obstetrics and gynecology, psychiatry, or other medical specialties specifically identified by the Director shall be eligible to have 100% of their total debt, not to exceed $200,000, repaid by the Program over 4 years of service; provided, that the participants provide full-time service in Ward 7 or 8. For each year of participation, the Program will repay loan amounts according to the following schedule:

"(1) For the first year of service, 18% of their total debt, not to exceed $36,000;

"(2) For the second year of service, 26% of their total debt, not to exceed $52,000;

"(3) For the third year of service, 28% of their total debt, not to exceed $56,000; and

"(4) For the fourth year of service, 28% of their total debt, not to exceed $56,000.".

(c) Section 16a (D.C. Official Code § 7-751.15a) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "loan repayments" and inserting the phrase "loan repayments and retention incentives" in its place.

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

"(d) The Department of Health shall segregate the $1.5 million local funds enhancement provided in the Fiscal Year 2021 budget into a separate subaccount, which shall only be expended for:

"(1) Section 3(b)(3); or

"(2) Section 9(a-1).".

SUBTITLE G. HEALTH CARE GRANT-MAKING AUTHORITY

Sec. 5061. Short title.

This subtitle may be cited as the "Fiscal Year 2021 Health Care Grant-Making Authority Congressional Review Emergency Amendment Act of 2020".

Sec. 5062. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding a new subsection (l) to read as follows:

"(l)(1) For Fiscal Year 2021, the Director of the Department of Health shall have the authority to award one or more competitive grants in an amount not to exceed $250,000 to fund an initiative to connect prenatal care for residents in Wards 7 and 8 to labor and delivery options in other parts of the District.

"(2) In establishing the criteria for the award of grants pursuant to paragraph (1) of this subsection, the Department shall prioritize community-based initiatives that:

"(A) Offer peer support networks;

"(B) Provide co-management of the patient's treatment;

"(C) Arrange for access to maternal and fetal medicine specialty services;

"(D) Utilize a health information exchange; and

"(E) Furnish financial assistance with transportation needs.".

Sec. 5063. Section 8a of the Department of Health Care Finance Establishment Act of 2007, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 7-771.07a), is amended by adding a new subsection (a-4) to read as follows:

"(a-4) For Fiscal Year 2021, the Director may:

"(1)(A) Award a competitive grant in an amount not to exceed $150,000 to fund operating expenses associated with the provision of medical respite care services to individuals who are homeless; provided, that if such a grant is awarded to a Federally Qualified Health Center ("FQHC"), the amount of the grant shall not be offset against the FQHC's expenses for the purpose of determining its allowable cost in accordance with section 4511.2 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 4511.2).

"(B) At a minimum, the selected entity shall possess:

"(i) The staff capacity and expertise necessary to provide medical respite care, with a particular emphasis on care for women who are homeless; and

"(ii) The ability to provide case management services, including assistance in accessing permanent housing services.

"(2) If a grant is awarded, then by September 30, 2021, the Director shall submit a report to the Council that sets forth:

"(A) Recommendations for the establishment of medical respite care services for homeless individuals, through either:

"(i) An amendment to the District of Columbia Medicaid State Plan; or

"(ii) A waiver pursuant to section 1115 of the Social Security Act, approved July 25, 1962 (76 Stat. 192; 42 U.S.C. § 1315), for home and community-based services;

"(B) The types of services that may be offered to homeless individuals through a medical care respite program; and

"(C) An identification of any potential restrictions on the provision of services identified pursuant to sub-subparagraph (ii) of this subparagraph, including the use of prior authorization.".

TITLE VI. OPERATIONS AND INFRASTRUCTURE

SUBTITLE A. OPPORTUNITY ACCOUNTS

Sec. 6001. Short title.

This subtitle may be cited as the "Opportunity Accounts Expansion Congressional Review Emergency Amendment Act of 2020".

Sec. 6002. The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), is amended as follows:

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

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

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

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

(2) Paragraph (2) is amended by striking the phrase "per account." and inserting the phrase "per account, except as provided in paragraph (3) of this subsection; and" in its place.

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

"(3) The Commissioner may waive the requirement in subsection (a) of this section and may provide matching funds of up to $4 for every dollar the account holder deposits into the opportunity account when adequate federal or private matching funds are not available. For each additional dollar of matching funds that the District provides to an opportunity account pursuant to such a waiver, the aggregate matching funds limit set forth in paragraph (2) of this subsection for that account shall be increased by $1.".

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

(1) Paragraph (6) is repealed.

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

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

"(9) To pay for any cost, expense, or item authorized by a rule issued pursuant to section 14.".

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

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

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

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

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

"(4) Making health insurance premium payments in the event of a sudden, unexpected loss of income.".

(2) Subsection (c) is repealed.

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

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

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

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

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

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

Sec. 6003. Repealer.

Section 301 of the Coronavirus Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622), is repealed.

SUBTITLE B. GREEN BUILDING FUND USE EXPANSION

Sec. 6011. Short title.

This subtitle may be cited as the "Green Building Fund Use Expansion Congressional Review Emergency Amendment Act of 2020".

Sec. 6012. Section 8(c)(2) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.07(c)(2)), is amended as follows:

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

(b) Subparagraph (E) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new subparagraph (F) is added to read as follows:

"(F) Costs incurred to make green building materials accessible to low-income residents.".

SUBTITLE C. [RESERVED]

SUBTITLE D. PAY-BY-PHONE TRANSACTION FEES FUND

Sec. 6031. Short title.

This subtitle may be cited as the "Pay-By-Phone Transaction Fee Fund Congressional Review Emergency Amendment Act of 2020".

Sec. 6032. Section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14), is amended to read as follows:

"Sec. 9f. Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund.

"(a) There is established the Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund ("Fund"), which shall be administered by the director of the District Department of Transportation in accordance with subsection (c) of this section.

"(b) The following revenue shall be deposited in the Fund:

"(1) Notwithstanding section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50–2603(8)), all transaction fees imposed upon users who pay for parking, transit fares, Capital Bikeshare trips, and other forms of shared mobility and transportation services with the pay-by-phone system; and

"(2) All money remaining in the District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund at the end of Fiscal Year 2020.

"(c) Money in the Fund shall be used to pay vendors responsible for administering pay-by-phone payment systems for parking, transit fares, Capital Bikeshare trips, and other forms of shared mobility and transportation services.

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

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

Sec. 6033. Section 3(h)(1) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)(A)), is amended by striking the phrase "to be transferred to the District Department of Transportation Parking Meter Pay-by-phone Transaction Fee Fund and the DC Circulator Fund, in accordance with section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14)" and inserting the phrase "to be transferred to the Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund, in accordance with section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14), and the DC Circulator Fund, in accordance with section 11c of the Department of Transportation Establishment Act of 2002, effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-921.33)" in its place.

SUBTITLE E. ENVIRONMENTAL SPECIAL PURPOSE REVENUE ACCOUNTS

Sec. 6041. Short title.

This subtitle may be cited as the "Environmental Special Purpose Funds Reestablishment Congressional Review Emergency Amendment Act of 2020".

Sec. 6042. The Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.01 *et seq.*), is amended by adding a new section 10a to read as follows:

"Sec. 10a. Lead Poisoning Prevention Fund.

"(a) There is established as a special fund the Lead Poisoning Prevention Fund ("Fund"), which shall be administered by the Department of Energy and Environment in accordance with subsection (c) of this section.

"(b) All fees, fines, and penalties received from compliance with and enforcement of this act, and all interest earned on those monies, shall be deposited into the Fund.

"(c) Money in the Fund shall be used to pay for the costs of implementing this act and may be used to provide low-income residents of the District with assistance to comply with the requirements of section 4, in accordance with rules issued by the Mayor.

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

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

Sec. 6043. The District of Columbia Underground Storage Tank Management Act of 1990, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code § 8-113.01 *et seq.*), is amended by adding a new section 6a to read as follows:

"Sec. 6a. Underground Storage Tank Regulation Fund.

"(a) There is established as a special fund the Underground Storage Tank Regulation Fund ("Fund"), which shall be administered by the Department of Energy and Environment in accordance with subsection (c) of this section.

"(b) All fees, fines, and penalties received from compliance with and enforcement of this act, and contributions and monies received as reimbursement, and all interest earned on those monies, shall be deposited into the Fund.

"(c) Money in the Fund shall be used to pay for the costs of implementing this act and may be used for assessment, clean up, and housing and relocation assistance.

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

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

Sec. 6044. The District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978 (D.C. Law 2-64; D.C. Official Code § 8-1301 *et seq.*), is amended by adding a new section 21a to read as follows:

"Sec. 21a. Hazardous Waste and Toxic Chemical Source Reduction Fund.

"(a) There is established as a special fund the Hazardous Waste and Toxic Chemical Source Reduction Fund ("Fund"), which shall be administered by the Department of Energy and Environment in accordance with subsection (c) of this section.

"(b) All fees, fines, and penalties received from compliance with and enforcement of this act, and all interest earned on those monies, shall be deposited into the Fund.

"(c) Money in the Fund shall be used to pay for the costs of implementing this act.

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

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

SUBTITLE F. ALCOHOLIC BEVERAGE SALES AND DELIVERY

Sec. 6051. Short title.

This subtitle may be cited as the "Alcoholic Beverage Sales and Delivery Congressional Review Emergency Amendment Act of 2020".

Sec. 6052. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

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

"(h)(1) A retailer with commercial street frontage at the Walter E. Washington Convention Center that sells food and is approved by the Washington Convention and Sports Authority to sell alcoholic beverages for on-premises consumption ("Convention Center food and alcohol business") that registers as a Convention Center food and alcohol business with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out and may deliver beer, wine, or spirits in closed containers to consumers in the District, pursuant to §§ 25-113(a)(3)(C) and 25-113.01(g); provided, that such carry out and delivery orders are accompanied by one or more prepared food items.

"(2) Board approval shall not be required for a registration under this subsection that occurs before April 1, 2021.

"(3) After March 31, 2021, a Convention Center food and alcohol business that does not hold a valid registration under this subparagraph shall be required to obtain a carry out and delivery license as set forth in § 25-113.01(g) to sell beer, wine, or spirits in closed containers to customers to carry out and to sell and deliver to the homes of District residents beer, wine, or spirits in closed containers for delivery .

"(4) A Convention Center food and alcohol business that has been authorized to offer alcoholic beverages for carry out and delivery in accordance with paragraph (1) of this subsection may only offer alcoholic beverages for carry out and delivery between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.".

(2) Section 25-113(a)(3)(C) is amended to read as follows:

"(C)(i) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed

containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to consumers in the District between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week; provided, that each such carry out or delivery order is accompanied by one or more prepared food items.

"(ii) Board approval shall not be required for a registration under this subparagraph that occurs prior to April 1, 2021. After March 31, 2021, an on-premises retailer that does not hold a valid registration under this subparagraph shall be required to obtain a carry out and delivery endorsement as set forth in § 25-113.01(f) in order to sell for carry out and deliver alcoholic beverages.".

(3) Newly designated section 25-113.01 is amended by adding new subsections (f) and (g) to read as follows:

"(f)(1) Effective April 1, 2021, a licensee under an on-premises retailer's license, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, shall obtain a carry out and delivery endorsement from the Board to be eligible to sell beer, wine, or spirits in closed containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to consumers in the District.

"(2) Carry out sales and delivery shall be authorized under paragraph (1) of this subsection only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

"(3) Each carry out or delivery order of an alcoholic beverage pursuant to paragraph (1) of this subsection shall be accompanied by one or more prepared food items.

"(4) The annual fee for a carry out and delivery endorsement shall be established by the Board in an amount not less than $200.

"(5) An on-premises retailer licensee that has registered with the Board under § 25-113(a)(3)(C) before April 1, 2021 ("registered licensee"), shall not be required to apply with the Board for an endorsement under this subsection, and the registered licensee shall be granted the carry out and delivery endorsement upon request to the Board, if the registered licensee makes the request and pays the annual fee required by paragraph (4) of this subsection by March 31, 2021.

"(g)(1) Effective April 1, 2021, a Convention Center food and alcohol business that has registered with the Board under § 25-112(h), shall obtain a carry out and delivery license from the Board to be eligible to sell beer, wine, or spirits in closed containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to consumers in the District.

"(2) Carry out sales and delivery shall be authorized under paragraph (1) of this subsection only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

"(3) Each carry out or delivery order of an alcoholic beverage pursuant to paragraph (1) of this subsection shall be accompanied by one or more prepared food items.

"(4) The annual fee for a carry out and delivery license shall be established by the Board in an amount not less than $200.

"(5) A Convention Center food and alcohol business that has registered with the Board under § 25-112(h) before April 1, 2021 ("registered Convention Center food and alcohol business"), shall not be required to apply with the Board for a license under this subsection, and

the registered Convention Center food and alcohol business shall be granted a carry out and delivery license upon request to the Board, if the registered Convention Center food and alcohol business makes the request and pays the annual fee required by paragraph (4) of this subsection by March 31, 2021.

"(6) Beginning June 30, 2022, and each year thereafter, ABRA shall submit an annual report to the Council on the outcomes of this section, including the number of on-premise licensees participating in the carry-out and delivery option, and the number of on- and off-premise retailer licensees that may have closed after the carry-out and delivery option was implemented".

(b) Chapter 7 is amended as follows:

(1) Section 25-721 is amended as follows:

(A) Subsection (a-1) is amended by striking the phrase "7:00 a.m. and 12:00 a.m." and inserting the phrase "6:00 a.m. and 1:00 a.m." in its place.

(B) Subsection (c) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase "2:00 a.m. and 8:00 a.m." and inserting the phrase "2:00 a.m. and 6:00 a.m." in its place.

(ii) Paragraph (2) is amended by striking the phrase "3:00 a.m. and 8:00 a.m." and inserting the phrase "3:00 a.m. 6:00 a.m." in its place.

(C) Subsection (d) is amended by striking the phrase "7:00 a.m. and midnight" and inserting the phrase "6:00 a.m. and 1:00 a.m." in its place.

(2) Section 25-722 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "7:00 a.m. and midnight" and inserting the phrase "6:00 a.m. and 1:00 a.m." in its place.

(B) Subsection (b) is amended by striking the phrase "7:00 a.m. and midnight" and inserting the phrase "6:00 a.m. and 1:00 a.m." in its place.

(3) Section 25-723 is amended as follows:

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

(i) Paragraph (1) is amended by striking the phrase "2:00 a.m. and 8:00 a.m." and inserting the phrase "2:00 a.m. and 6:00 a.m." in its place.

(ii) Paragraph (2) is amended by striking the phrase "3:00 a.m. and 8:00 a.m." and inserting the phrase "3:00 a.m. and 6:00 a.m." in its place.

(B) Subsection (c)(1) is amended as follows:

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

(ii) Subparagraph (D) is amended by striking the period and inserting the phrase "; and" in its place.

(iii) A new subparagraph (E) is added to read as follows:

"(E) The Saturday and Sunday adjacent to Veterans Day, Christmas Day, and District of Columbia Emancipation Day as set forth in § 1-612.02(a); except, that if the holiday under this subparagraph occurs on a Tuesday, the extended hours shall occur on the

preceding Saturday and Sunday and if a holiday under this subparagraph occurs on a Wednesday or Thursday, the extended hours shall occur on the following Saturday and Sunday.".

(C) Subsection (e)(1) is amended by striking the phrase "2017, January 14 through January 22" and inserting the phrase "2021, January 9 through January 24" in its place.

Sec. 6053. Repealer.

(a) Section 204(a)(1) of the Coronavirus Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622), is repealed.

(b) Amendatory section 25-113(a)(3)(C) of the District of Columbia Official Code in section 204(a)(2)(A) of the Coronavirus Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622), is repealed.

SUBTITLE G. THIRD-PARTY INSPECTION PLATFORM

Sec. 6061. Short title.

This subtitle may be cited as the "Third-Party Inspection Platform Congressional Review Emergency Amendment Act of 2020".

Sec. 6062. Section 6d of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code § 6-1405.04), is amended by adding a new subsection (f) to read as follows:

"(f) The Department may establish an online platform that may, at the Director's discretion, serve as the exclusive mechanism by which an individual or entity may hire a third-party inspector to perform an inspection authorized by this section. The Department may charge a fee for the use of the online platform by an individual or entity and by the third-party inspectors.".

SUBTITLE H. PARKING RECIPROCITY FEE UPDATE AMENDMENT

Sec. 6071. Short title.

This subtitle may be cited as the "Reciprocity Parking Fee Update Congressional Review Emergency Amendment Act of 2020".

Sec. 6072. Section 8(d) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1401.02(d)), is amended by striking the figure "$50" and inserting the figure "$100" in its place.

SUBTITLE I. TAG TRANSFER FEE UPDATE AMENDMENT

Sec. 6081. Short title.

This subtitle may be cited as the "Tag Transfer Fee Update Congressional Review Emergency Amendment Act of 2020".

Sec. 6082. Section 2(e) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(e)), is amended as follows:

(a) Paragraph (2) is amended by striking the figure "$7" and inserting the figure "$12" in its place.

(b) Paragraph (5) is amended by striking the figure "$7" and inserting the figure "$12" in its place.

SUBTITLE J. ATE PROGRAM REPORTING REQUIREMENT AMENDMENT

Sec. 6091. Short title.

This subtitle may be cited as the "ATE Reporting Requirement Congressional Review Emergency Amendment Act of 2020".

Sec. 6092. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended by adding a new section 905 to read as follows:

"Sec. 905. ATE Reporting to Council.

"Beginning January 1, 2021, the District Department of Transportation, in consultation with the Department of Motor Vehicles, shall report to the Council on a semi-annual basis the following information:

"(1) The top 15 automated traffic enforcement ("ATE") locations by value of citations generated in the District;

"(2) The breakdown of the jurisdictions where those receiving ATE citations and with outstanding ATE citation debt have their vehicles registered;

"(3) The locations where cameras have been added in the last 6 months and the reasons why those locations were chosen; and

"(4) The amount of ATE citations issued in total and by location.".

SUBTITLE K. CAPACITY MARKET WITHDRAWAL FEASABILITY STUDY

Sec. 6101. Short title.

This subtitle may be cited as the "Capacity Market Withdrawal Feasibility Study Congressional Review Emergency Act of 2020".

Sec. 6102. Feasibility study.

By July 1, 2021, the Department of Energy and Environment shall make publicly available a study that evaluates and makes recommendations regarding the District withdrawing from the PJM capacity market, including outlining the potential advantages and disadvantages of withdrawal, the anticipated effects of *Calpine Corp. v. PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,239 (2019) on the District, and the procedure for withdrawal from the PJM capacity market, including any necessary legislative changes.

SUBTITLE L. COMPETITIVE GRANT

Sec. 6111. Short title.

This subtitle may be cited as the "Competitive Grant Congressional Review Emergency Act of 2020".

Sec. 6112. The Department of Energy and Environment shall award an annual grant on a competitive basis, in an amount not to exceed $200,000, to provide wildlife rehabilitation services.

SUBTITLE M. URBAN AGRICULTURE FUNDING

Sec. 6121. Short title.

This subtitle may be cited as the "Urban Agriculture Funding Congressional Review Emergency Amendment Act of 2020".

Sec. 6122. The Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401 *et seq.*), is amended as follows:

(a) Section 3a(d)(1) (D.C. Official Code § 48-402.01(d)(1)) is amended by striking the phrase "base period of 5 years" and inserting the phrase "base period of at least 5 years" in its place.

(b) Section 3b (D.C. Official Code § 48-402.02) is amended to read as follows:

"Sec. 3b. Limitations on expenditures.

"Total real property tax abatements provided for certain urban farms established pursuant to D.C. Official Code § 47-868 and the tax-exempt status conferred by D.C. Official Code § 47-1005(c) shall not exceed $150,000 each year.".

Sec. 6123. Section 47-1005(c) of the District of Columbia Official Code is amended by striking the phrase "Department of General Services" and inserting the phrase "Department of Energy and Environment" in its place.

SUBTITLE N. WASTE DISPOSAL FEES

Sec. 6131. Short title.

This subtitle may be cited as the "Waste Disposal Fees Regulation Congressional Review Emergency Amendment Act of 2020".

Sec. 6132. Section 720.8 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 720.8) is amended to read as follows:

"720.8 Beginning on October 1, 2020, the applicable fee for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in §§ 720.5, 720.6, and 720.7, shall be seventy dollars and sixty-two cents ($70.62) for each ton disposed; provided,

that a minimum fee of thirty five dollars and thirty-one cents ($35.31) shall be imposed on each load weighing one thousand pounds (1,000 lb.) or less.".

SUBTITLE O. FAST FERRY GRANT

Sec. 6141. Short title.

This subtitle may be cited as the "Fast Ferry Grant Congressional Review Emergency Act of 2020".

Sec. 6142. (a) In Fiscal Year 2021, the District Department of Transportation ("DDOT") shall award a grant of not less than $250,000 to a regional transportation system supporting efforts to establish M-495 Commuter Fast Ferry Service on the Occoquan, Potomac, and Anacostia River system.

(b) A grant awarded pursuant to this section shall be in addition to any other grant awarded by DDOT for fast ferry service.

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. PERSONAL PROPERTY TAX

Sec. 7001. Short title.

This subtitle may be cited as the "Personal Property Tax Congressional Review Emergency Amendment Act of 2020".

Sec. 7002. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1508(a) is amended by adding a new paragraph (13) to read as follows:

"(13)(A) Computer software, unless:

"(i) The software is incorporated as a permanent component of a computer, machine, piece of equipment, or device, or of real property, and the software is not commonly available separately; or

"(ii) The cost of the software is included as part of the cost of a computer, machine, piece of equipment, or device, or of the cost of real property on the books or records of the taxpayer.

"(B) This paragraph shall not be construed to affect the value of a machine, device, piece of equipment, or computer, or the value of real property, or to affect the taxable status of any other property subject to tax under this title.".

(b) Section 47-1521 is amended as follows:

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

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

"(1) "Computer software" means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.".

(3) Paragraph (4) is amended by striking the phrase "goods and chattels" and inserting the phrase "goods and chattels, including computer software," in its place.

Sec. 7003. Applicability.

This subtitle shall apply as of July 1, 2021.

SUBTITLE B. UNINCORPORATED BUSINESS FRANCHISE TAX

Sec. 7011. Short title.

This subtitle may be cited as the "Unincorporated Business Franchise Tax Congressional Review Emergency Amendment Act of 2020".

Sec. 7012. Section 47-1808.02(1) of the District of Columbia Official Code is amended by striking the phrase "Internal Revenue Code of 1986." and inserting the phrase "Internal Revenue Code of 1986. Taxable income shall include gain from the sale or other disposition of any assets, including tangible assets and intangible assets, including real property and interests in real property, in the District, even when such a sale or other disposition results in the termination of an unincorporated business." in its place.

Sec. 7013. Applicability.

This subtitle shall apply as of January 1, 2021.

SUBTITLE C. BALLPARK REVENUE FUND

Sec. 7021. Short title.

This subtitle may be cited as the "Ballpark Revenue Fund Excess Revenue Congressional Review Emergency Amendment Act of 2020".

Sec. 7022. Section 102(d) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.02(d)), is amended by striking the phrase "due on the bonds." and inserting the phrase "due on the bonds; provided, that any excess that accrues during Fiscal Year 2020, Fiscal Year 2021, or Fiscal Year 2022 shall be deposited in the unrestricted fund balance of the General Fund during the fiscal year in which it accrues." in its place.

SUBTITLE D. EVENTS DC AUTHORITY

Sec. 7031. Short title.

This subtitle may be cited as the "Events DC Authority Congressional Review Emergency Amendment Act of 2020".

Sec. 7032. Title II of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 10-1202.03) is amended as follows:

(1) Paragraph (10K) is amended by striking the period and inserting a semicolon in its place.

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

"(10L) To issue grants pursuant to section 208(h) to support go-go music in the District of Columbia.".

(b) Section 204(m) (D.C. Official Code § 10-1202.04(m)), is amended by striking the phrase "Fiscal Year 2019 or Fiscal Year 2020" and inserting the phrase "Fiscal Year 2020 or Fiscal Year 2021" in its place.

(c) Section 208 (D.C. Official Code § 10-1202.08) is amended by adding a new subsection (h) to read as follows:

"(h) For Fiscal Year 2021, the Authority shall issue not less than $1 million in grants from the Convention Center Fund to support go-go related programming, branding, tourism, and marketing; provided, that funds are available for such purpose and that the Authority first satisfy its current liabilities and legally required reserves, which shall not include the elective purchase or redemption of outstanding indebtedness, unless such purchase or redemption is for the purpose of securing a lower cost of borrowing and lower debt service payments.".

SUBTITLE E. PARKSIDE PARCEL E AND J MIXED-INCOME APARTMENTS TAX ABATEMENT

Sec. 7041. Short title.

This subtitle may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Congressional Review Emergency Amendment Act of 2020".

Sec. 7042. Section 47-4658 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the number "2020" and inserting the number "2022" in its place.

(b) Subsection (c) is amended by striking the number "2020" and inserting the number "2022" in its place.

SUBTITLE F. OFF-PREMISES ALCOHOL TAX RATE

Sec. 7051. Short title.

This subtitle may be cited as the "Off-Premises Alcohol Tax Rate Congressional Review Emergency Amendment Act of 2020".

Sec. 7052. Section 47-2002(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (3)(A) is amended by striking the phrase "defined in § 47-2001(g-1)" and inserting the phrase "defined in § 47-2001(g-1) or spirituous or malt liquors, beer, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)" in its place.

(b) Paragraph (3A) is amended by striking the phrase "where sold" and inserting the phrase "where sold, unless sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)" in its place.

Sec. 7053. Section 47-2202(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (3)(A) is amended by striking the phrase "defined in § 47-2001(g-1)" and inserting the phrase "defined in § 47-2001(g-1) or spirituous or malt liquors, beer, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)" in its place.

(b) Paragraph (3A) is amended by striking the phrase "where sold" and inserting the phrase "where sold, unless sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)" in its place.

SUBTITLE G. SUBJECT-TO-APPROPRIATIONS REPEALS AND MODIFICATIONS

Sec. 7061. Short title.

This subtitle may be cited as the "Subject-to-Appropriations Repeals and Modifications Congressional Review Emergency Amendment Act of 2020".

Sec. 7062. Section 3 of the DC HealthCare Alliance Recertification Simplification Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-35; 64 DCR 10929), is repealed.

Sec. 7063. Section 3 of the East End Certificate of Need Maximum Fee Establishment Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-176; 65 DCR 9552), is repealed.

Sec. 7064. Section 301(a) of the Birth-to-Three for All DC Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-179; 65 DCR 9569), is amended by striking the phrase "107(b)," and inserting the phrase "107," in its place.

Sec. 7065. Section 8 of the Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; 65 DCR 12049), is repealed.

Sec. 7066. The Ensuring Community Access to Recreational Spaces Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-431 *et seq.*), is amended as follows:

(a) Section 4(b) (D.C. Official Code § 38-433(b)) is amended by striking the phrase "Within 180 days after February 22, 2019, the Mayor" and inserting the phrase "The Mayor" in its place.

(b) A new section 7a is added to read as follows:

"Sec. 7a. Applicability.

"(a) Section 4 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

"(2) The date of publication of the notice of the certification shall not affect the applicability of section 4.".

Sec. 7067. Section 3 of the Boxing and Wrestling Commission Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-228; 66 DCR 200), is repealed.

Sec. 7068. The Senior Strategic Plan Amendment Act of 2018, effective March 28, 2019 (D.C. Law 22-267; 66 DCR 1428), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Applicability.

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

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

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

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

Sec. 7069. Section 5 of the Public Restroom Facilities Installation and Promotion Act of 2018, effective April 11, 2019 (D.C. Law 22-280; 66 DCR 1595), is amended to read as follows:

"Sec. 5. Applicability.

"(a) Section 4 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

"(2) The date of publication of the notice of the certification shall not affect the applicability of section 4.".

Sec. 7070. Section 5 of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; 66 DCR 1402), is repealed.

Sec. 7071. Section 4 of the Mypheduh Films DBA Sankofa Video and Books Real Property Tax Exemption Act of 2019, effective September 11, 2019 (D.C. Law 23-24; 66 DCR 9759), is repealed.

Sec. 7072. Section 3 of the Certificate of Need Fee Reduction Amendment Act of 2019, effective March 10, 2020 (D.C. Law 23-60; 67 DCR 568), is repealed.

Sec. 7073. Section 3 of the Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019, effective March 10, 2020 (D.C. Law 23-62; 67 DCR 574), is repealed.

Sec. 7074. Section 5 of the Housing Conversion and Eviction Clarification Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-72; 67 DCR 2476), is repealed.

Sec. 7075. Section 5 of the Urban Farming Land Lease Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-80; 67 DCR 2494), is repealed.

Sec. 7076. Section 4 of the Office on Caribbean Affairs Establishment Act of 2020, effective May 6, 2020 (D.C. Law 23-87; 67 DCR 3534), is repealed.

Sec. 7077. Section 3 of the Strengthening Reproductive Health Protections Amendment Act of 2020, effective May 6, 2020 (D.C. Law 23-90; 67 DCR 3537), is repealed.

Sec. 7078. Section 6 of the Certified Professional Midwife Amendment Act of 2020, effective June 17, 2020, (D.C. Law 23-97; 67 DCR 3912), is repealed.

Sec. 7079. Section 3 of the Leave to Vote Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-110; 67 DCR 5057), is repealed.

Sec. 7080. Section 3 of the Transportation Benefits Equity Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-113; 67 DCR 5069), is repealed.

Sec. 7081. Section 3 of the Professional Art Therapist Licensure Amendment Act of 2020, effective June 24, 2020, (D.C. Law 23-115; 67 DCR 5077), is repealed.

Sec. 7082. Section 6 of the Ivory and Horn Trafficking Prohibition Act of 2020, effective August 6, 2020 (D.C. Law 23-126; 67 DCR 5060), is repealed.

SUBTITLE H. COUNCIL PERIOD 23 RULE 736 AND OTHER REPEALS

Sec. 7091. Short title.

This subtitle may be cited as the "Council Period 23 Rule 736 and Other Repeals Congressional Review Emergency Amendment Act of 2020".

Sec. 7092. Section 1013(g) of the Innovation Fund Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-325.222(g)), is repealed.

Sec. 7093. The Health Care Provider Facility Expansion Program Establishment Act of 2018, effective May 5, 2018 (D.C. Law 22-97; D.C. Official Code § 7-1941.01 *et seq.*), is repealed.

Sec. 7094. Section 202 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1602.02), is repealed.

Sec. 7095. The School Health Innovations Grant Program Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-98; D.C. Official Code § 38-671.01 *et seq.*), is repealed.

Sec. 7096. Section 3602(d) of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204(d)), is repealed.

Sec. 7097. Sections 103 and 105(c) of the Employee Transportation Amendment Act of 2012, effective March 5, 2013 (D.C. Law 19-223; D.C. Official Code §§ 50-211.03 and 50-211.05(c)), are repealed.

Sec. 7099. The Exhaust Emissions Inspection Amendment Act of 2017, effective January 25, 2018 (D.C. Law 22-47; 64 DCR 12403) is repealed.

Sec. 7100. The DC Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017, effective February 17, 2018 (D.C. Law 22-62; 65 DCR 9), is repealed.

Sec. 7101. The Ballpark Fee Forgiveness Act of 2017, effective February 28, 2018 (D.C. Law 22-64; 65 DCR 328), is repealed.

Sec. 7102. Section 2(nn) and (oo) of the Homeless Services Reform Amendment Act of 2017, effective February 28, 2018 (D.C. Law 22-65; 65 DCR 331), is repealed.

Sec. 7103. The East End Commercial Real Property Tax Rate Reduction Amendment Act of 2018, effective March 29, 2018 (D.C. Law 22-81; 65 DCR 1582), is repealed.

Sec. 7104. The Relieve High Unemployment Tax Incentives Act of 2018, effective April 25, 2018 (D.C. Law 22-85; 65 DCR 1805), is repealed.

Sec. 7105. The Telehealth Medicaid Expansion Amendment Act of 2018, effective July 3, 2018 (D.C. Law 22-126; 65 DCR 5110), is repealed.

Sec. 7106. The Expenditure Commission Establishment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

SUBTITLE I. DISTRICT HISTORY GRANT

Sec. 7111. Short title.

This subtitle may be cited as the "District History Grant Congressional Review Emergency Act of 2020".

Sec. 7112. (a) The Washington Convention and Sports Authority ("Events DC") shall award a grant to a nonprofit organization occupying space in the Carnegie Library building that is engaged in collecting, interpreting, and sharing the history of the District.

(b) In Fiscal Year 2021, of the funds allocated to the Non-Departmental Account, $100,000 shall be transferred to Events DC to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by Events DC in support of historical education and research.

SUBTITLE J. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH

Sec. 7121. Short title.

This subtitle may be cited as the "National Cherry Blossom Festival Fundraising Match Congressional Review Emergency Act of 2020".

Sec. 7122. National Cherry Blossom Festival Fundraising.

(a) There is established a matching grant program to support the 2021 National Cherry Blossom Festival ("Program"), which shall be administered by the Washington

Convention and Sports Authority ("Events DC"). Under the Program, a matching grant shall be awarded to a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival ("Festival") of up to $1,000,000 at a rate of $2 for every dollar that the organization has raised in donations by April 30, 2021.

(b) In Fiscal Year 2021, of the funds allocated to the Non-Departmental Account, $1,000,000 shall be transferred to Events DC to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by Events DC in support of the Festival.

SUBTITLE K. MOTOR VEHICLE FUEL TAX

Sec. 7131. Short Title.

This subtitle may be cited as the "Motor Vehicle Fuel Tax Congressional Review Emergency Amendment Act of 2020".

Sec. 7132. Chapter 23 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2301 is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (4) to read as follows:

"(4) This subsection shall not apply after September 30, 2020.".

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

"(a-1)(1) The District shall levy and collect a tax and a local transportation surcharge ("surcharge") on motor vehicle fuels sold or otherwise disposed of by an importer or by a user, or used for commercial purposes.

"(2) As of October 1, 2020:

"(A) The rate of tax shall be $.235 per gallon; and

"(B) The surcharge shall be $.053 per gallon;

"(3) As of October 1, 2021, the surcharge shall be $.103 per gallon, increased annually, beginning with the fiscal year commencing on October 1, 2022, by the cost-of-living adjustment.".

(3) Subsection (c) is amended to read as follows:

"(c) The Chief Financial Officer of the District of Columbia shall:

"(1) Transfer annually to the District of Columbia Highway Trust Fund the proceeds of the taxes imposed under subsection (a) and (a-1) of this section; and

"(2) Transfer to the Capital Improvements Program the revenue derived from the surcharge under subsection (a-1) to fund the renovation, repair, and maintenance of local transportation infrastructure.".

(b) Section 47-2302 is amended by adding a new paragraph (24) to read as follows:

"(24)(A) "Cost-of-living adjustment" means the ratio of CPI for the preceding calendar year and the CPI for the base year.

"(B) For the purposes of this paragraph, the term:

"(i) "Base year" means the calendar year ending December 31, 2020.

"(ii) "CPI" means the average of the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (or such successor metropolitan statistical area that includes the District) for the preceding calendar year.".

Sec. 7133. Section 102a of the Highway Trust Fund Establishment Act of 1996, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a), is amended by adding a new subsection (c) to read as follows:

"(c) Revenue derived from the local transportation surcharge on motor vehicle fuels sold or otherwise disposed of by an importer or by a user, or used for commercial purposes, pursuant to D.C. Official Code § 47-2301(a-1), shall be transferred to the Capital Improvements Program to fund the renovation, repair, and maintenance of local transportation infrastructure.".

SUBTITLE L. NEW COMMUNITIES CLARIFICATION

Sec. 7141. Short title.

This subtitle may be cited as the "New Communities Bond Clarification Congressional Review Emergency Amendment Act of 2020".

Sec. 7142. Section 203(b) of the Housing Production Trust Fund Act of 1988, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.03(b)), is amended to read as follows:

"(b)(1) The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine.

"(2) The total amount of funds allocated annually from the Housing Production Trust Fund to pay debt service on the bonds shall not exceed $16 million.".

SUBTITLE M. QHTC TAX INCENTIVES MODIFICATION

Sec. 7151. Short Title.

This subtitle may be cited as the "QHTC Tax Incentives Modification Congressional Review Emergency Amendment Act of 2020".

Sec. 7152. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1508(a)(10) is repealed.

(b) Chapter 18 is amended as follows:

(1) Section 47-1803.03(a)(18) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "the lesser of $25,000 (or $40,000 in the case of a Qualified High Technology Company ("QHTC"))" and inserting the phrase "the lesser of $25,000" in its place.

(B) Subparagraph (B) is repealed.

(2) Section 47-1817.01(5)(A)(ii) is amended by striking the number "2" and inserting the number "10" in its place.

(3) Section 47-1817.02 is repealed.

(4) Section 47-1817.03 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "imposed by § 47-1817.06" and inserting the phrase "imposed by § 47-1807.02" in its place.

(B) Subsection (a-1) is amended by striking the phrase "imposed by § 47-1817.06" and inserting the phrase "imposed by § 47-1807.02" in its place.

(5) Section 47-1817.04 is amended as follows:

(A) Subsection (d) is amended by striking the figure "$20,000" and inserting the figure "$10,000" in its place.

(B) Subsection (e) is repealed.

(6) Section 47-1817.05(c) is repealed.

(7) Section 47-1817.06 is repealed.

(8) Section 47-1817.07 is repealed.

(9) Section 47-1817.07a is amended by striking the phrase "For tax years beginning after December 31, 2018, notwithstanding" and inserting the phrase "For the tax year beginning after December 31, 2018 and ending before January 1, 2020, and for tax years beginning after December 31, 2024, notwithstanding" in its place.

(10) Section 47-1818.06(3) is repealed.

Sec. 7153. Applicability.

This subtitle shall apply as of the effective date of this act, except that section 7152(a) shall apply as of July 1, 2021.

SUBTITLE N. ADAMS MORGAN BID

Sec. 7161. Short title.

This subtitle may be cited as the "Adams Morgan Business Improvement District Congressional Review Emergency Amendment Act of 2020".

Sec. 7162. Section 206(c) of the Business Improvement District Act of 1996, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56(c)), is amended to read as follows:

"(c) The BID taxes for the taxable properties in the Adams Morgan BID shall not exceed $.21 for each $100 in assessed value for all taxable properties and all commercial portions of

mixed use properties; provided, that any change in the BID taxes from the current tax year rates shall be made subject to the requirements of section 9.".

SUBTITLE O. SKYLAND TAX EXEMPTION

Sec. 7171. This subtitle may be cited as the "Skyland Tax Exemption Congressional Review Emergency Amendment Act of 2020".

Sec. 7172. Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended as follows:

(a) Paragraph (34) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (35) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (36) is added to read as follows:

"(36)(A) Deeds conveying, vesting, granting, or assigning title to, an interest in, a security interest in, or an economic interest in the real property (and any improvements thereon) described as Square 5633, Lots 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 7000, 7009, and 7010 that are recorded between October 1, 2020, and December 31, 2020.

"(B) The amount of all taxes, fees, and deposits exempted under this paragraph and D.C. Official Code § 47-902(28), shall not exceed, in the aggregate, $420,840.".

Sec. 7173. Section 47-902 of the District of Columbia Official Code is amended by adding a new paragraph (28) to read as follows:

"(28)(A) Transfers with respect to the real property (and any improvements thereon) described as Square 5633, Lots 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 7000, 7009, and 7010, as evidenced by the recordation of a deed conveying title to the real property between October 1, 2020, and December 31, 2020.

"(B) The amount of all taxes, fees, and deposits exempted under this paragraph and § 42-1102(36), shall not exceed, in the aggregate, $420,840.".

SUBTITLE P. COMBINED REPORTING TAX DEDUCTION DELAY

Sec. 7181. Short title.

This subtitle may be cited as the "Combined Reporting Tax Deduction Delay Congressional Review Emergency Amendment Act of 2020".

Sec. 7182. Section 47-1810.08(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "beginning with the 10th year of the combined filing" and inserting the phrase "beginning with the 15th year of the combined filing" in its place.

(b) Paragraph (2) is amended by striking the number "2015" and inserting the number "2020" in its place.

SUBTITLE Q. ESTATE TAX ADJUSTMENT

Sec. 7191. Short title.

This subtitle may be cited as the "Estate Tax Adjustment Congressional Review Emergency Amendment Act of 2020".

Sec. 7192. Section 47-3701 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (4) is amended as follows:

(1) Subparagraph (E) is amended by striking the phrase "dying after December 31, 2017" and inserting the phrase "whose death occurs after December 31, 2017, but before January 1, 2021" in its place.

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

"(F) For a decedent whose death occurs after December 31, 2020:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) The amount of the unified credit shall be $1,545,800, increased annually, beginning with the year commencing on January 1, 2022, by the cost-of-living adjustment; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed the applicable zero bracket amount.".

(b) Paragraph (14) is amended as follows:

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

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

(A) Strike the phrase "after December 31, 2017" and insert the phrase "after December 31, 2017, but before January 1, 2021" in its place.

(B) Strike the period at the end and insert the phrase "; or" in its place.

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

"(D) For a decedent whose death occurs after December 31, 2020, $4 million, increased annually, beginning with the year commencing on January 1, 2022, by the cost-of-living adjustment.".

ENROLLED ORIGINAL

SUBTITLE R. DISTRICT OF COLUMBIA LOW-INCOME HOUSING TAX CREDIT CLARIFICATION

Sec. 7201. Short title.

This subtitle may be cited as the "District of Columbia Low-Income Housing Tax Credit Clarification Congressional Review Emergency Amendment Act of 2020".

Sec. 7202. Chapter 48 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-4806. Transfer, sale, or assignment" and inserting the phrase "47-4806. Transfer, sale, assignment, or allocation" in its place.

(b) Section 47-4801 is amended as follows:

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

"(1A) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.".

(2) Paragraph (3) is amended by striking the phrase "cause the construction of affordable housing" and inserting the phrase "cause the acquisition, rehabilitation, or construction of affordable housing" in its place.

(3) Paragraph (6) is amended by striking the phrase ""Low-Income Housing Tax Credit Program" means the program authorized by section 42 of the Internal Revenue Code of 1986" and inserting the phrase ""Federal low-income housing tax credit" means a tax credit claimed pursuant to section 42 of the Internal Revenue Code of 1986" in its place.

(4) Paragraph (7) is repealed.

(5) Paragraph (8) is amended by striking the phrase "a rental housing development that receives an allocation of federal Low-Income Housing Tax Credits from the Department" and inserting the phrase "a rental housing development in the District that receives an allocation of federal low-income housing tax credits under section 42(h)(1) or (4) of the 1986 Internal Revenue Code (26 U.S.C. § 42(h)(1) or (4)) after October 1, 2021, and receives an executed extended low-income housing commitment pursuant to section 42(h)(6)(B) of the 1986 Internal Revenue Code (26 U.S.C. § 42(h)(6)(B)) from the Department dated on or after October 1, 2021".

(c) Section 47-4802 is amended as follows:

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

"(a) There is established a District of Columbia low-income housing tax credit.".

(2) Subsection (b) is repealed.

(3) Subsection (c) is repealed.

(4) Subsection (d) is amended by striking the phrase "tax credit award" and inserting the phrase "tax credit" in its place.

(d) Section 47-4803 is amended as follows:

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

"(a) An owner of a qualified project may receive a District of Columbia low-income housing tax credit with respect to that qualified project in an amount equal to 25% of the value of the federal low-income housing tax credit received with respect to the qualified project.".

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

"(b)(1) If the owner of a qualified project transfers, sells, or assigns a District of Columbia low-income housing tax credit to another taxpayer, pursuant to § 47-4806, the District of Columbia low-income housing tax credit shall not be taken, pursuant to subsection (c) of this section, against taxes imposed under this title unless the owner has filed with the Department, in a form determined by the Department, an affidavit certifying that:

"(A) The owner of the qualified project received, as consideration for transferring, selling, or assigning the District of Columbia low-income housing tax credit, at least 80% of the per dollar sale price for a federal low-income housing tax credit associated with the qualified project that the owner has transferred, sold, or assigned; and

"(B) The value received by the owner of the qualified project was used to ensure financial feasibility of the qualified project.

"(2) The Department shall deliver to the Chief Financial Officer and the Commissioner an annual report certifying the ongoing eligibility of an eligible project to receive federal low-income housing tax credits.".

(3) Subsection (c) is amended to read as follows:

"(c)(1) The District of Columbia low-income housing tax credit may be claimed against taxes imposed under Chapter 18 of this title or § 47-2608(a)(1).

"(2) The District of Columbia low-income housing tax credit may be claimed equally for 10 years, subtracted from the tax otherwise due for each taxable period and shall not be refundable; provided, that the credit may not be taken against any tax that is dedicated in whole or in part to the Healthy DC and Heath Care Expansion Fund established by § 31-3514.02.".

"(3) If the District of Columbia low-income housing tax credit is claimed against taxes imposed under Chapter 18 of this title, any amount of the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years for taxes imposed under Chapter 18 of this title. If the District of Columbia low-income housing tax credit is claimed against taxes imposed under § 47-2608(a)(1), any amount of the credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years for taxes imposed under § 47-2608(a)(1).".

(4) Subsection (d)(1) is amended by striking the phrase "allocated to parties who are eligible under the provisions of subsection (a) of this section" and inserting the phrase "transferred, sold, assigned, or allocated to parties who are eligible pursuant to Chapter 48 of Title 47 of the District of Columbia Official Code" in its place.

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

(A) The lead-in language is amended by striking the phrase "submitted to the Chief Financial Officer as provided in this section" and inserting the phrase "submitted to the Chief Financial Officer and the Commissioner as provided in this section" in its place.

(B) Paragraph (2) is amended by striking the phrase "each taxpayer subject to the recapture" and inserting the phrase "each transferee, purchaser, assignee, or party to whom a credit is allocated" in its place.

(C) Paragraph (3) is amended by striking the phrase "allocated to such taxpayer" and inserting the phrase "allocated to such transferee, purchaser, assignee, or party to whom a credit is allocated" in its place.

(6) Subsection (f)(1) is amended by striking the phrase "A tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified project" and inserting the phrase "A District of Columbia low-income housing tax credit allowed under this section shall not be denied with respect to any qualified project" in its place.

(e) Section 47-4804 is amended as follows:

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

"(a) The owner of a qualified project eligible for the District of Columbia low-income housing tax credit shall submit a copy of the eligibility statement issued by the Department with respect to the qualified project at the time of filing the return required to be filed by the owner pursuant to § 47-1805.02. In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified project for that year until the copy is provided to the Chief Financial Officer and the Commissioner.".

(2) Subsection (b) is amended by striking the phrase "such qualified District of Columbia project shall also be recaptured" and inserting the phrase "such qualified District of Columbia project shall also be recaptured by the Office of Chief Financial Officer or Commissioner of Insurance, Securities, and Banking" in its place.

(f) Section 47-4805 is amended by striking the phrase "The Chief Financial Officer or the Department may require" and inserting the phrase "The Chief Financial Officer, the Commissioner, or the Department may require" in its place.

(g) Section 47-4806 is amended as follows:

(1) The section heading is amended by striking the phrase "Transfer, sale, or assignment" and inserting the phrase "Transfer, sale, assignment, or allocation" in its place.

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

(A) The existing text is designated as paragraph (1) and amended to read as follows:

"(1) All or any portion of credits issued in accordance with the provisions of this section may be transferred, sold, or assigned to another taxpayer. There is no limit on the total number of transactions for the transfer, sale, or assignment of all or part of the total credit authorized under this section. Collectively, all transfers, sales, assignments, and allocations pursuant to paragraph (2) of this subsection are subject to the maximum credit allowable to a particular qualified project.".

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

"(2) A tax credit earned or purchased by, or transferred or assigned to, a partnership, limited liability company, S corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of that entity in accordance with the provisions of any agreement among the partners, members, or shareholders and without regarding to the ownership interest of the partners, members, or shareholders in the qualified project. A partner, member, or shareholder to whom a tax credit is allocated may further allocate all or part of the allocated credit as provided in this subsection or may transfer, sell, or assign the allocated credit as provided in paragraph (1) of this subsection. There is no limit on the total number of allocations of all or part of the total credit authorized under this section; however, collectively, all transfers, sales, assignments, and allocations, made pursuant to this subsection, are subject to the maximum credit allowable to a particular qualified project.".

(3) Subsection (b) is amended to read as follows:

"(b) An owner, transferee, purchaser, assignee, or taxpayer to whom a tax credit is allocated pursuant to subsection (a)(2) of this section, desiring to make a transfer, sale, assignment, or allocation pursuant to subsection (a)(2) of this section, shall submit to the Chief Financial Officer and the Commissioner a statement that describes the amount of District of Columbia low-income housing tax credit for which such transfer, sale, assignment, or allocation of District of Columbia low-income housing tax credit is eligible. The owner, transferor, seller, assignor, or taxpayer who is allocating, pursuant to subsection (a)(2) of this section, the tax credit, as applicable, shall provide to the Chief Financial Officer and the Commissioner appropriate information so that the low-income housing tax credit can be properly allocated.".

(4) Subsection (c)(3) is amended to read as follows:

"(3) Amount of credit previously transferred, sold, assigned, or allocated to such transferee, purchaser, assignee, or taxpayer to whom a credit is allocated.".

(h) Section 47-4807 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "The Department, in consultation with the Chief Financial Officer, shall monitor" and inserting the phrase "The Department, in consultation with the Chief Financial Officer and the Commissioner, shall monitor" in its place.

(2) Subsection (b) is amended by striking the phrase "The Department or the Chief Financial Officer shall report" and inserting the phrase "The Department, the Chief Financial Officer, or the Commissioner shall report" in its place.

SUBTITLE S. EXCLUDED WORKERS

Sec. 7211. Short title.

This subtitle may be cited as the "Excluded Workers Congressional Review Emergency Amendment Act of 2020".

Sec. 7212. Assistance for excluded workers.

The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended by adding a new section 203a to read as follows:

"Sec. 203a. Assistance for excluded workers.

"(a) During the public health emergency declared in the Mayor's order dated March 11, 2020 and any extensions thereof, the Washington Convention and Sports Authority ("Events DC") shall issue, subject to the availability of funds, grants or contracts to nonprofit entities to use to provide cash assistance to District residents who are otherwise excluded from District and federal aid related to COVID-19. To qualify for cash assistance from grants or contracts awarded pursuant to this section, a District resident shall, at the time of application for assistance under this section:

"(1) Demonstrate loss of income due to the public health emergency;

"(2)(A) Be ineligible for:

"(i) Unemployment insurance; or

"(ii) COVID-19 relief; or

"(B) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended not more than 6 months before the time of application for assistance under this section; and

"(3) Provide a:

"(A) Signed certification that the resident's loss of income stems from the public health emergency; and

"(B) Proof of residency and eligibility for relief, as determined by Events DC and consistent with rules and standards for COVID-19 relief programs administered by Events DC.

"(b) Any entity receiving a grant or contract pursuant to this section may use no more than 10% of the grant for administrative expenses incurred from administering the cash assistance program.

"(c) Cash assistance provided to eligible individuals pursuant to this section shall not be considered in determining eligibility for any means-tested programs administered by the District.

"(d) For the purposes of this section the term:

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

"(2) COVID-19 relief" means federal monetary unemployment assistance provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*), which shall include tax credits but shall not include federal Economic Impact Payments or other stimulus relief for which eligibility is not contingent on the recipient's employment status.".

Sec. 7213. Non-taxability.

Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended to add a new subparagraph (JJ) to read as follows:

"(JJ) Cash assistance for excluded workers given pursuant to grants awarded by the Washington Convention and Sports Authority in 2020.".

TITLE VIII. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS

Sec. 8001. Short title.

This subtitle may be cited as the "Designated Fund Transfer Congressional Review Emergency Act of 2020".

Sec. 8002. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2021 and in each fiscal year through Fiscal Year 2024 the following recurring amounts from certified fund balances and other revenue in the identified accounts to the unassigned fund balance of the General Fund of the District of Columbia:

Agency Code	Agency	Fund Detail	Fund Name	FY 2021 -2024
CR0	DCRA	6013	Basic Business License Fund	6,000
CR0	DCRA	6040	Corporate Recordation Fund	12,500
HA0	DPR	0602	Enterprise Fund Account	150,000
HC0	DOH	0605	SHPDA Fees	4,000
HC0	DOH	0632	Pharmacy Protection	5,393
HC0	DOH	0633	Radiation Protection	3,500
HC0	DOH	0643	Board of Medicine	145,493
HC0	DOH	0656	EMS Fees	5,250
KG0	DOEE	0646	Stormwater Fees	2,000
KG0	DOEE	0662	Renewable Energy Development Fund	30,000
KG0	DOEE	6700	Sustainable Energy Trust Fund	40,000
LQ0	ABRA	6017	ABC - Import and Class License Fees	245,368
PO0	OCP	4010	DC Surplus Personal Property Sales Operation	10,000
SR0	DISB	2100	HMO Assessment	17,763
SR0	DISB	2200	Insurance Assessment	120,790
SR0	DISB	2350	Securities and Banking Fund	370,403
SR0	DISB	2800	Captive Insurance	82,741

TC0	DFHV	2400	Public Vehicles for Hire	21,000
Total				**1,272,201**

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

TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 9001. Applicability.

Except as otherwise provided, this act shall apply as of October 20, 2020.

Sec. 9002. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Fiscal Year 2021 Budget Support Act of 2020, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9003. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commercial Insurance Claim Tolling Congressional Review Emergency Act of 2020".

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

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

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

Sec. 3. Applicability.

This act shall apply as of October 24, 2020.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

Sec. 2. RPP voluntary exclusion.

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

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

(1) Provide written notice of the designation to a buyer or residential tenant; and

(2) Require the buyer or residential tenant to acknowledge receipt of the notice required by paragraph (1) of this subsection in writing.

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

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

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

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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

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

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

"Sec. 2317. Business Support Grant program.".

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

"Sec. 2317. Business Support Grant program.

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

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

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

"(C) A grant is equivalent to up to 15% of lost revenue over the 3-month period from April, May, and June of 2020, and not more than the average monthly gross receipts for any single month in 2019, or, for an eligible business opened fewer than 12 months as of the public health emergency, over the 3-month period preceding the public health emergency; provided further, that at least 12.5% is set aside for an eligible business that is:

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

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

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

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

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

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

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

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

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

"(2) The Mayor, in promulgating the rules shall consider prioritizing available funding, with a priority for those eligible businesses closed due to the public health emergency and unable to open until Phase 3 or Phase 4 of the District's Reopening plan pursuant to the

guidelines issued by Executive Order of the Mayor and but for the public health emergency would be open, as follows:

"(A) Thirty-eight percent to restaurants;

"(B) Twenty-eight percent to hotels;

"(C) Fourteen and a half percent to retail;

"(D) Fourteen and a half percent to sports and entertainment sectors; and

"(E) Five percent to child development facilities.

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

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

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

"(1) "Eligible business" means:

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

"(B) A business enterprise eligible for certification under section 2331 that:

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

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

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

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

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

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

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adams Morgan BID Tax Congressional Review Emergency Amendment Act of 2020".

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

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

Sec. 3. Applicability.

This act shall apply as of October 24, 2020.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(6) "Debilitation" means those periods when a person cannot care for that person's minor child as a result of:

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

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

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

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

"(10) "Incapacity" means:

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

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

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

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

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

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

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

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

"(iii) Dies; or

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

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

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

"(iii) Dies.".

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

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

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

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

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

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

"(D) An adverse immigration action against the designator.".

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

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

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

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

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

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

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

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

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

"(4) The documentation demonstrating that an adverse immigration action occurred against the designator.".

ENROLLED ORIGINAL

(3) Subsection (l) is amended by striking the phrase "medically unable to appear" and inserting the phrase "unable to appear for medical reasons or due to an adverse immigration action" in its place.

Sec. 3. Applicability.

This act shall apply as of October 6, 2020.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2020

To approve, on an emergency basis, Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 between the Department of General Services and Keystone Plus Construction Corporation, and to authorize payment to Keystone Plus Construction Corporation for design-build services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 with Keystone Plus Construction Corporation Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059, between the Department of General Services and Keystone Plus Construction Corporation ("Keystone"), for the construction of the new Eastern Market Metro Market Park and authorizes payment to Keystone in aggregate amount of $8,147,295.89 for design-build services received and to be received under these modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 29, 2020

To amend, on an emergency basis, the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to make it unlawful to deface or burn a religious or secular symbol on any property of another without permission or to place or display on such property a physical impression that a reasonable person would perceive as a threat to physically damage the property of another; to amend the Sanctuary Values Emergency Amendment Act of 2020 to add an applicability date; and to amend the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020 to add an applicability date.

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

Sec. 2. Section 3(a) of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.02(a)), is amended as follows:

(a) The lead-in language is amended by striking the phrase "private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, religion, or any other category listed in section 101 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01)," and inserting the phrase "private property of another without the permission of the owner or the owner's designee" in its place.

(b) Paragraph (3) is amended by striking the word "person" and inserting the phrase "person or property" in its place.

Sec. 3. The Sanctuary Values Emergency Amendment Act of 2020, passed on emergency basis on September 22, 2020 (Enrolled version of Bill 23-896), is amended by adding a new section 2a to read as follows:

"Sec. 2a. Applicability.

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"This act shall apply as of October 9, 2020.".

Sec. 4. Section 301 of the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on September 22, 2020 (Enrolled version of Bill 23-907), is amended as follows:

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

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

"(b) Except as provided in subsection (a) of this section, this act shall apply as of October 19, 2020.".

Sec. 5. Applicability.

Section 2 shall apply as of October 22, 2020.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 29, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-435

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 29, 2020

To amend, on an emergency basis, the District of Columbia Unemployment Compensation Act to qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program.

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

Sec. 2. Section 7(g)(1) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(g)(1)), is amended as follows:

(a) Subparagraph (K) is amended as follows:

(1) Sub-subparagraph (i) is amended by striking the phrase "March 15, 2009" and inserting the phrase "March 18, 2020" in its place.

(2) Sub-subparagraph (ii) is amended to read as follows:

"(ii) There is a state "off" indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under section 4105 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195) ("Families First Act"), or any subsequent amendment to the Families First Act or other federal law.".

(b) Subparagraph (L) is amended as follows:

(1) Sub-subparagraph (i) is amended by striking the phrase "March 15, 2009" and inserting the phrase "March 18, 2020" in its place.

(2) Sub-subparagraph (iii) is amended to read as follows:

"(iii) There is a state "off" indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under section 4105 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195) ("Families First Act"), or any subsequent amendment to the Families First Act or other federal law.".

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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 29, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-436

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To approve, on an emergency basis, Modification Nos. 5, 6 and 7 to Contract No. CW64063 with Health IT 2 Business Solutions LLC d/b/a CODICE to provide Mission Oriented Business Integrated Services, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 5, 6 and 7 to Contract No. CW64063 with Health IT 2 Business Solutions LLC dba CODICE Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 5, 6 and 7 to Contract No. CW64063 with Health IT 2 Business Solutions LLC d/b/a CODICE to provide Mission Oriented Business Integrated Services, and authorizes payment in the not-to-exceed amount of $10 million for goods and services received and to be received under Modification Nos. 5, 6 and 7 to Contract No. CW64063 for option year one.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-437

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To provide, on an emergency basis, due to congressional review, for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020".

TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

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

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

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

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

(1) Paragraph (1) is repealed.

(2) Paragraph (2) is repealed.

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

"(3) "Neck restraint" means the use of any body part or object to attempt to control or disable a person by applying pressure against the person's neck, including the trachea

or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's movement or restricting their blood flow or breathing.".

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

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

"(a) It shall be unlawful for:

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

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

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

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

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

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

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

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

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

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

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

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

"(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 3900 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

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

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

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

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

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

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

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

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

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

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

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

SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

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

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

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

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

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

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

(4) The Commanding Official, Metropolitan Police Academy;

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

(6) The Commanding Official, Recruiting Division;

(7) The Commanding Official, Court Liaison Division;

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

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

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

(C) One District resident community member;

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

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

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

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

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

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

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

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

"(40) Use of Force Review Board, established by section 106 of the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on September 22, 2020 (Enrolled version of Bill 23-907).".

SUBTITLE E. ANTI-MASK LAW REPEAL

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

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

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

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

SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

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

"§ 23–526. Limitations on consent searches.

"(a) Beginning as of August 15, 2020, in cases where a search is based solely on the subject's consent to that search, and is not executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement, sworn members of District Government law enforcement agencies shall:

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

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

"(B) Advise the subject that:

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

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

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

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

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

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

"(ii) Who is deaf or hard of hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(2A) Executive Director of the Office of Police Complaints or the Executive Director's designee;".

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

"(3) The Attorney General for the District of Columbia or the Attorney General's designee;".

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

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

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

"(A) Oversight of law enforcement;

"(B) Juvenile justice reform;

"(C) Criminal defense;

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

"(E) Violence prevention or intervention.".

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

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

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

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

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

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

(b) Add a new subsection (b) to read as follows:

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

SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

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

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

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

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

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

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

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

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

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

SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

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

SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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

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

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

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

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

SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING AGREEMENTS

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

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

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

SUBTITLE M. OFFICER DISCIPLINE REFORMS

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

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

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

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

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

date that the Metropolitan Police Department had notice of the act or occurrence allegedly constituting cause.".

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

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

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

SUBTITLE N. USE OF FORCE REFORMS

Sec. 119. Use of deadly force.

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

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

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

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

(A) A substantial risk of death;

(B) Protracted and obvious disfigurement;

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

(D) Protracted loss of consciousness.

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

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

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

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

(c) A trier of fact shall consider:

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

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

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

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

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

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

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

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

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

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

(1) Ammunition of .50 caliber or higher;

(2) Armed or armored aircraft or vehicles;

(3) Bayonets;

(4) Explosives or pyrotechnics, including grenades;

(5) Firearm mufflers or silencers;

(6) Firearms of .50 caliber or higher;

(7) Firearms, firearm accessories, or other objects, designed or capable of launching explosives or pyrotechnics, including grenade launchers; and

(8) Remotely piloted, powered aircraft without a crew aboard, including drones.

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

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

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

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

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

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

(1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBTITLE Q. POLICE REFORM COMMISSION

Sec. 122. Police Reform Commission.

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

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

(A) Non-law enforcement District government agencies;

(B) The Office of the Attorney General for the District of Columbia;
(C) Criminal and juvenile justice reform organizations;
(D) Black Lives Matter DC;
(E) Educational institutions;
(F) Parent-led advocacy organizations;
(G) Student- or youth-led advocacy organizations;
(H) Returning citizen organizations;
(I) Victim services organizations;
(J) Social services organizations;
(K) Mental and behavioral health organizations;
(L) Small businesses;
(M) Faith-based organizations; and
(N) Advisory Neighborhood Commissions.

(2) The Chairman of the Council shall:

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

(B) Designate a representative who is not employed by the District government as the Commission's Chairperson.

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

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

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

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

(C) Police discipline;

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

(E) The provisions of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, enacted on August 12, 2020 (D.C. Act 23-399; 67 DCR 9920).

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

SUBTITLE R. METRO TRANSIT POLICE DEPARTMENT OVERSIGHT AND ACCOUNTABILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(v) Any in-custody death.

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

"(A) Harassment;

"(B) Use of force;

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

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

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

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

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

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

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

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

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

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

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

"(17) The Police Complaints Board may, after an investigation, assign a complaint to a complaint examiner, who shall make written findings of fact regarding all material issues of fact, and shall determine whether the facts found sustain or do not sustain each allegation of misconduct. If the complaint examiner determines that one or more allegations in the complaint is sustained, the Police Complaints Board shall transmit the entire complaint file, including the merits determination of the complaint examiner, to the Metro Transit Police for appropriate action.

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

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

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

TITLE II. BUILDING SAFE AND JUST COMMUNITIES

SUBTITLE A. RESTORE THE VOTE

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

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

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

(2) Subparagraph (D) is repealed.

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

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

"(A) A voter registration form;

"(B) A voter guide;

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

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

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

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

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

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

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

Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of Columbia, effective April 26, 2019 (D.C. Law 22-309; D.C. Official Code § 24-211.08), is amended by adding a new subsection (b-1) to read as follows:

"(b-1) Within 10 business days after the effective date of the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on September 22, 2020 (Enrolled version of Bill 23-907) ("act"), the Department shall notify eligible individuals in its care or custody of their voting rights pursuant to section 201 of the act.".

TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Applicability.

Section 123 shall apply after the enactment of concurring legislation by the State of Maryland and the Commonwealth of Virginia, the signing and execution of the legislation by the Mayor of the District of Columbia and the Governors of Maryland and Virginia, and approval by the United States Congress.

Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-438

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 29, 2020

To approve, on an emergency basis, Contract No. DCAM-20-AE-0007 between the Department of General Services and DLR Group of DC, P.C., and to authorize payment to DLR Group of DC, P.C. for architectural and engineering services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCAM-20-AE-0007 with DLR Group of DC, P.C. Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-20-AE-0007 ("Contract") between the Department of General Services and DLR Group of DC, P.C. for architectural and engineering services for Smothers Elementary School, for a total amount of $2,784,300, and authorizes payment to DLR Group of DC, P.C. for services received and to be received under the Contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 6, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 29,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-439

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To approve, on an emergency basis, Contract No. NFPHC-MM-20-PA Modifications between the Not-for-Profit Hospital Corporation and Arnold's Used Office Furniture LLC to provide personal protective equipment to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic, and to authorize payment for the goods received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-MM-20-PA Modifications between the Not-for-Profit Hospital Corporation and Arnold's Used Office Furniture LLC Approval and Payment Authorization Emergency Amendment Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-MM-20-PA Modifications between the Not-for-Profit Hospital Corporation ("Hospital") and Arnold's Used Office Furniture LLC to provide personal protective equipment to the Hospital during the COVID-19 pandemic and authorizes payment in the amount of $2,585,545 for the goods received and to be received under this contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-440

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To approve, on an emergency basis, Contract No. NFPHCMM-20-P Modifications between the Not-for-Profit Hospital Corporation and Safe Life Defense LLC to provide personal protective equipment to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic, and to authorize payment for the goods received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHCMM-20-P Modifications between Not-for-Profit Hospital Corporation and Safe Life Defense LLC Approval and Payment Authorization Emergency Amendment Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHCMM-20-P Modifications between the Not-for-Profit Hospital Corporation ("Hospital") and Safe Life Defense LLC to provide personal protective equipment to the Hospital during the COVID-19 pandemic and authorizes payment in the amount of $1,431,000 for the goods received and to be received under this contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-441

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To approve, on an emergency basis, Contract No. NFPHCSUPP-20-C Modifications 2 and 3 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc. to provide food and nutrition services to the Not-for-Profit Hospital Corporation during the COVID-19 pandemic and regular operations, and to authorize payment for the services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHCSUPP-20-C Modifications 2 and 3 between the Not-for-Profit Hospital Corporation and Morrison Management Specialist, Inc. Approval and Payment Authorization Emergency Amendment Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modifications 2 and 3 to Contract No. NFPHCSUPP-20-C between the Not-for-Profit Hospital Corporation ("Hospital") and Morrison Management Specialist, Inc. to provide food and nutrition services to the Hospital during the COVID-19 pandemic and for regular operations and authorizes payment in the amount of $2,218,668 for the services received and to be received under these modifications.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To amend, on a temporary basis, the District of Columbia Election Code of 1955 to require the Board of Elections, for the November 3, 2020, General Election, to operate Vote Centers, operate no fewer than 80 polling places, including one for eligible individuals incarcerated in the Central Detention Facility and Correctional Treatment Facility, mail every registered voter an absentee ballot and postage-paid return envelope, publish and mail a paper voter guide, email registered voters a voter guide and information about the General Election, to require voter registration agencies to promote the Board's plans for the General Election, to remove the requirement that the Board post a list of qualified electors registered to vote in libraries and public buildings, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "General Election Preparations Temporary Amendment Act of 2020".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2(31) (D.C. Official Code § 1-1001.02(31)) is amended to read as follows:

"(31) For elections held in calendar year 2020, the term "polling place" shall include Vote Centers operated by the Board throughout the District.".

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

(1) Paragraph (9) is amended by striking the phrase "polling places" and inserting the phrase "polling places; provided, that for the November 3, 2020, General Election, the Board shall operate no fewer than 80 polling places, including a polling place for individuals incarcerated in the Department of Corrections' custody at the Central Detention Facility and Correctional Treatment Facility, if public health guidance permits" in its place.

(2) A new paragraph (9A-i) is added to read as follows:

"(9A-i) For the November 3, 2020, General Election, mail every registered qualified elector an absentee ballot and a postage-paid return envelope;".

(3) Paragraph (12) is amended to read as follows:

"(12) Take all reasonable steps to inform all residents and voters of elections and means of casting votes therein, including by establishing a system to permit voters to elect to

receive a voter guide by electronic means in lieu of by mail, if such a guide is published by the Board; provided, that for the November 3, 2020, General Election, the Board shall:

"(A) Publish and mail a paper voter guide; and

"(B) Email registered voters, for whom the Board maintains email addresses, at least once with an electronic voter guide and lay-friendly instructions, separate from the electronic voter guide, about mail-in voting, early voting, polling place locations, how to check polling place wait times, and how to update their voter registration information;".

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

(1) Subsection (d)(2)(E) is amended by striking the phrase "For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election" and inserting the phrase "For elections held in calendar year 2020" in its place.

(2) Subsection (h)(4) is amended by striking the phrase "the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election" and inserting the phrase "any election held in calendar year 2020" in its place.

(d) Section 8(f) (D.C. Official Code § 1-1001.08(f)) is amended as follows:

(1) The existing text is designated as paragraph (1).

(2) The newly designated paragraph (1) is amended by striking the phrase "A political party" and inserting the phrase "Except as provided in paragraph (2) of this subsection, a political party" in its place.

(3) A new subsection (2) is added to read as follows:

"(2) For the November 3, 2020, General Election, a political party which does not qualify under subsection (d) of this section may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors signed by at least 250 registered qualified electors of the District of Columbia, as shown by the records of the Board as of the 144th day before the date of the presidential election, is presented to the Board on or before the 90th day before the date of the presidential election.".

(e) Section 9(e) (D.C. Official Code § 1-1001.09(e)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "In sufficient time to comply with the requirements of the Uniformed and Overseas Citizens Absentee Voter Act, approved August 28, 1986 (100 Stat. 924; 42 U.S.C. § 1973ff *et seq.*), the Board" and inserting the phrase "The Board" in its place.

(2) Paragraph (3) is amended by striking the phrase "not later than 2 days after that election" and inserting the phrase "no earlier than 8 days and no later than 10 days after that election" in its place.

(3) Paragraph (4) is amended by striking the phrase "not later than 2 days after any election" and inserting the phrase "no earlier than 8 days and no later than 10 days after any election" in its place.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-443

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To require, on an temporary basis, employers to adopt and implement social distancing policies that adhere to Mayor's Order 2020-080 or subsequent Mayor's Order, to prohibit retaliation against an employee who refuses to work with or serve an individual who refuses to comply with Mayor's Order 2020-080 or subsequent Mayor's Order, to prohibit retaliation against an employee because the employee tests positive for or is quarantining because of COVID-19, or is caring for someone who has symptoms of or is quarantining because of COVID-19, and to prohibit retaliation against an employee who attempts to exercise any right or protection under Title I of this act or to stop or prevent a violation of the worker safety provisions of Title I of this act, to authorize the Mayor and Attorney General to administer and enforce workplace and employee protections in title I, to authorize the Attorney General to bring civil actions in a court of competent jurisdiction, to authorize the Chief Procurement Officer to enter into an indefinite duration/indefinite quantity contract to assist eligible businesses in the purchase of personal protective equipment and other supplies related to the containment of COVID-19, to permit federal laws, polices, and standards or a Mayor's Order that contains stricter personal protective equipment standards to preempt the terms of title I; and to amend the Small and Certified Business Enterprise Act of 2005 to authorize the Mayor to issue grants for small businesses to purchase or receive reimbursements for the purchase of personal protective equipment for their employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020".

TITLE I. COVID-19 WORKPLACE SAFETY PROTECTIONS

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Adverse employment action" means an action that an employer takes against an employee, including a threat, verbal warning, written warning, reduction of work hours, suspension, termination, discharge, demotion, harassment, material change in the terms or

conditions of the employee's employment, or any action that is reasonably likely to deter the employee from attempting to secure any right or protection contained in this title or to prevent or stop a violation of this title.

(2) "Active COVID-19 infection" means an infection confirmed by a diagnostic test for COVID-19 and not an antibody test.

(3) "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

(4) "Employee" includes any person suffered or permitted to work by an employer.

(5) "Employer" includes every individual, partnership, firm, general contractor, subcontractor, association, corporation, the legal representative of a deceased individual, or the receiver, trustee, or successor of an individual, firm, partnership, general contractor, subcontractor, association, or corporation employing any person in the District of Columbia. The term "employer" shall include the District government or a quasi-governmental agency. The term "employer" shall not include the United States government or its agencies.

(6) "Face covering" means a cloth face covering, face mask, or similar textile barrier that covers an individual's nose and mouth and works to reduce the spray of respiratory droplets.

(7) "Face shield" means a form of personal protective equipment made of transparent, impermeable materials intended to protect the entire face or portions of it from droplets or splashes.

(8) "Personal protective equipment" includes face coverings, disposable gloves, eye protection, face shields, disposable gowns or aprons, and plexiglass barriers.

(9) "PPE" means personal protective equipment.

(10) "Public health emergency" means the Coronavirus (COVID-19) public health emergency declared pursuant to Mayor's Order 2020-045, on March 11, 2020, and all subsequent extensions.

(11) "Workplace" means any physical structure or space, over which an employer maintains control, wherein an employee performs work for an employer; workplace does not include the home of an employee who teleworks.

Sec. 102. Employer policies and workplace protections.

(a) Beginning 7 days after the effective date of this title and during the public health emergency, employers in the District shall adopt and implement social distancing and worker protection policies to prevent transmission of COVID-19 in the workplace that adhere to the requirements of Mayor's Order 2020-080, or subsequent Mayor's Order.

(b)(1) An employer may establish a workplace policy to require an employee to report to the employer a positive test for an active COVID-19 infection.

(2) An employer may not disclose the identity of an employee who tests positive except to the Department of Health or another District or federal agency responsible for and engaged in contact tracing and the containment of community spread of COVID-19.

Sec. 103. Retaliation prohibited.

(a) No employer or agent thereof may take an adverse employment action against an employee for the employee's refusal to serve a customer or client, or to work within 6 feet of an individual, who is not complying with the workplace protections established pursuant to section 102.

(b)(1) No employer or agent thereof may take an adverse employment action against an employee because:

(A) The employee tested positive for COVID-19; provided, that the employee did not physically report to the workplace after receiving a positive test result;

(B) The employee was exposed to someone with COVID-19 and needs to quarantine;

(C) The employee is sick and is waiting for a COVID-19 test result; or

(D) The employee is caring for or seeks to provide care for someone who is sick with COVID-19 symptoms or who is quarantined.

(2) Nothing in this title prohibits an employer from requiring an employee who has tested positive for COVID-19 to refrain from entering the workplace until a medical professional has cleared the employee to return to the workplace or until a period of quarantine recommended by the Department of Health or the U.S. Centers for Disease Control has elapsed.

(c) No employer or agent thereof may take an adverse employment action against an employee because of actions the employee takes to secure any right or protection contained in this title or to prevent or stop a violation of this title.

Sec. 104. Enforcement.

(a)(1) The Mayor may enforce and administer this title by conducting investigations (of the Mayor's own volition or after receiving a complaint), holding hearings, and assessing penalties. The Mayor shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceedings before the Mayor.

(2) The Mayor may assess administrative penalties in the following amounts:

(A) For violations of section 102, up to $50 per violation per employee per day for a repeated or willful violation.

(B) For violations of section 103, up to $500 per violation.

(b)(1) The Attorney General may enforce this title by conducting investigations (of the Attorney General's own volition or after receiving a complaint) and instituting actions. The Attorney General shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any investigation or proceeding conducted to enforce this title.

(2) The Attorney General, acting in the public interest, including the need to deter future violations, may enforce this title by commencing a civil action in the name of the District of Columbia in a court of competent jurisdiction on behalf of the District or one or more aggrieved employees.

(3) Upon prevailing in court after commencing a civil action as permitted by this subsection, the Attorney General shall be entitled to:

(A) Reasonable attorneys' fees and costs;

(B) Statutory penalties in an amount not greater than the maximum administrative penalties provided under subsection (a) of this section;

(C) On behalf of an aggrieved employee, the payment of lost wages; and

(D) Equitable relief as may be appropriate.

Sec. 105. Authority of Chief Procurement Officer.

(a)(1) The Chief Procurement Officer ("CPO"), or the CPO's designee, shall have the authority during the public health emergency, and for 90 days thereafter, to enter into an indefinite-delivery/indefinite quantity contract ("IDIQ contract") for PPE, sanitization and cleaning products, related equipment, or other goods or supplies in furtherance of the District's COVID-19 recovery efforts that permit an entity that is, or is similar to, a local business enterprise, as that term is defined in section 2302(12) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(12)) ("CBE Act"), to place orders under the IDIQ contract at the prices specified in the IDIQ contract.

(2) Priority consideration for purchasing through the IDIQ contract shall be given to an eligible entity that is also:

(A) A small business enterprise, as that term is defined in section 2302(16) of the CBE Act;

(B) A Resident-owned business, as that term is defined in section 2302(15) of the CBE Act; or

(C) At least 51% owned by economically disadvantaged individuals, as that term is defined in section 2302(7) of the CBE Act, or owned by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(b) The CPO, or the CPO's designee, shall monitor and review, and may establish standards, procedures, or rules for IDIQ contracts entered into pursuant to subsection (a) of this section.

Sec. 106. Preemption.

(a) This title shall only apply to the conduct of employers and employees in the District to the extent it does not conflict with or is not preempted by federal law, regulation, or standard.

(b) To the extent a Mayor's Order issued pursuant to sections 5 and 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149, D.C. Official Code §§ 7-2304, 7-2304.01), is related to the wearing of PPE and requires employers, employees, or other individuals to adhere to stricter safety standards, policies, or protocols than those required under section 102, the Mayor's Order shall control.

TITLE II. PERSONAL PROTECTIVE EQUIPMENT GRANT PROGRAM

Sec. 201. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"Sec. 2317. Personal Protective Equipment emergency grant program.".

(b) A new section 2317 is added to read as follows:

"Sec. 2317. Personal protective equipment grant program.

"(a)(1) Beginning October 1, 2020, during the public health emergency, and subject to the availability of funds, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), issue a grant to an eligible small business; provided, that the eligible small business:

"(A) Submits a grant application in the form and with the information required by the Mayor;

"(B) Submits a clear statement describing the type and quantities of PPE purchased or to be purchased; and

"(C) Demonstrates, to the satisfaction of the Mayor, financial distress caused by a reduction in business revenue due to the circumstances giving rise to or resulting from the public health emergency.

"(2) A grant issued pursuant to this section may be provided in an amount up to $1,000 per eligible small business for the purchase of or reimbursement for purchases of PPE made on or after the enacted date of the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020, 2020, effective August 13, 2020 (D.C. Act 23-384; 67 DCR 9870).

"(b) The Mayor may issue one or more grants to a third-party grant-managing entity for the purpose of administering the grant program and making subgrants on behalf of the Mayor in accordance with the requirements of this section.

"(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may issue rules to implement the provisions of this section.

"(d) For the purposes of this section, the term:

"(1) "Eligible small business" means a business enterprise eligible for certification as a small business enterprise under section 2332 or a nonprofit entity.

"(2) "Public health emergency" means the Coronavirus (COVID-19) public health emergency declared pursuant to Mayor's Order 2020-045, on March 11, 2020, and all subsequent extensions.

"(3) "PPE" means personal protective equipment, including face masks, disposable gloves, face shields, and plexiglass barriers.".

TITLE III. PUBLIC HEALTH EMERGENCY AUTHORITY

Sec. 301. (a) Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended to read as follows:

"(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order ("emergency orders") issued in response to the coronavirus (SARS CoV-2) through December 31, 2020. After the extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this section.".

(b) This section shall expire on January 1, 2021.

TITLE IV. FISCAL IMPACT AND EFFECTIVE DATE

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 402. Effective date.

(a) This act shall take effect following the approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 28,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To amend, on a temporary basis, section 14-307 of the District of Columbia Official Code to prohibit sexual assault counselors from disclosing confidential information acquired from a client in a professional capacity without consent of the client or their legal representative; and to amend the Sexual Assault Victims' Rights Amendment Act of 2019 to extend the applicability date for certain provisions from October 1, 2020 to January 1, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sexual Assault Victims' Rights Clarification Temporary Amendment Act of 2020".

Sec. 2. Section 14-307 of the District of Columbia Official Code is amended as follows:

(a) The section heading is amended to read as follows:

"§ 14-307. Confidential information.".

(b) Subsection (a) is amended by striking the phrase "sexual assault victim advocate as defined in § 14-312(a)(7)" and inserting the phrase "sexual assault counselor as defined in § 23-1907(10)" in its place.

Sec. 3. Section 9(a) of the Sexual Assault Victims' Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; 67 DCR 3072), is amended by striking the date "October 1, 2020" and inserting the date "January 1, 2021" in its place.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

ENROLLED ORIGINAL

1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To amend, on a temporary basis, An Act To create a Department of Corrections in the District of Columbia to limit the District's cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sanctuary Values Temporary Amendment Act of 2020".

Sec. 2. Section 7 of An Act To create a Department of Corrections in the District of Columbia, effective December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07), is amended to read as follows:

"Sec. 7. Prohibition on cooperation with federal immigration agencies.

"(a) Absent a judicial warrant or order, issued by a federal judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, that authorizes a federal immigration agency to take into custody the person who is the subject of such warrant or order, the District of Columbia shall not:

"(1) Hold an individual in the District's custody after that individual would have been otherwise released, except as provided in section 2a(c)(6);

"(2) Provide to any federal immigration agency an office, booth, or any facility or equipment for a generalized search of or inquiry about an individual in the District's custody;

"(3) Permit any federal immigration agency to interview an individual in the District's custody without giving the individual an opportunity to have counsel present; or

"(4) Except as provided in Intergovernmental Agreement No. 16-00-0016, entered into between the Department of Corrections and the United States Marshals Service:

"(A) Provide to a federal immigration agency an individual's date and time of release, location, address, or criminal case information;

"(B) Grant any federal immigration agency access to any District detention facility, including a facility under the control of the Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavioral Health, or the Metropolitan Police Department, for the purpose of releasing an individual into federal custody; or

"(C) Release an individual for the purpose of transferring the individual into the custody of any federal immigration agency.

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"(b) The District shall not inquire into the immigration status of an individual in its custody.

"(c) Nothing in this section shall be construed to establish a right to counsel that does not otherwise exist in law.

"(d) Nothing in this section shall be construed to create a private right of action.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 28, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-447

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2020

To amend, on a temporary basis, the Fiscal Year 2021 Budget Support Act of 2020, the Fiscal Year 2021 Budget Support Emergency Act of 2020, the Washington Convention Center Authority Act of 1994, Title 47 of the D.C. Official Code, and the District of Columbia Traffic Act, 1925, to clarify provisions supporting the Fiscal Year 2021 budget; and to authorize the Chief Financial Officer to impose a fee or processing cost related to a payment made by credit card or other electronic payment method.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2021 Budget Support Clarification Temporary Amendment Act of 2020".

Sec. 2. The Fiscal Year 2021 Budget Support Act of 2020, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), is amended as follows:

(a) Section 2192 is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) Capital project DHA21C ("DHA21C") shall be administered by the Office of the Chief Financial Officer ("OCFO"), with available project allotments advanced to the District of Columbia Housing Authority ("Authority") on a quarterly basis for the encumbrances and expenditures planned for that quarter; provided, that the requirements of subsection (b) of this section are met.

"(2) DHA21C funds shall be used by the Authority to fund capital-eligible construction, renovation, or rehabilitation subprojects that:

"(A) Increase the longevity of public housing units;

"(B) Prevent existing tenants from being displaced; or

"(C) Increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist.

"(3) DHA21C funds shall not be used to fund the Authority's operating costs, renovation, or rehabilitation of any unit set to be demolished, sold, or otherwise removed from

the Authority inventory, or any administrative or overhead costs not specifically attributable to a subproject.".

(2) Subsection (b) is amended to read as follows:

"(b)(1) Each fiscal year that DHA21C funds are available, the Authority shall submit to the Mayor, the Council, and the OCFO a proposed spending plan, which shall include:

"(A) Documentation that planned encumbrances and expenditures are capital eligible; and

"(B) Information on each subproject for which the Authority proposes to use DHA21C funds, including, at a minimum:

"(i) The proposed location of the subproject;

"(ii) A detailed proposed scope of the subproject;

"(iii) A detailed proposed line-item budget for the subproject;

"(iv) A detailed proposed timeline for the subproject; and

"(v) A statement of whether the implementation of the proposed subproject will require the relocation of tenants and, if relocation is required, a detailed proposed relocation plan.

"(2) In the event of significant delays or changes in planned encumbrances and expenditures for any subproject during the fiscal year, the Authority shall update its spending plan and provide additional documentation as needed to minimize unencumbered and unexpended transfers, avoid causing the District to incur unnecessary debt service costs, and ensure that all subproject encumbrances and expenditures are capital eligible.".

(3) A new subsection (d) is added to read as follows:

"(d) The Inspector General of the District of Columbia shall audit the Authority's capital project DHA21C financial statements for the previous fiscal year not later than February 1, 2021, and not later than each February 1 thereafter for as long as DHA21C funds remain unspent by the Authority. The Inspector General shall submit to the Mayor, the Chief Financial Officer, and the Council a report on the results of each audit.".

(b) Amendatory section 203a of the Washington Convention Center Authority Act of 1994, enacted on August 31, 2020 (D.C. Act 23-407; 67 DCR 10493), in section 7212 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended as follows:

(i) Strike the phrase "the Washington Convention and Sports Authority shall" and insert the phrase "the Washington Convention and Sports Authority ("Events DC") shall" in its place.

(ii) Strike the phrase "a District resident shall" and insert the phrase "a District resident shall, at the time of application for assistance under this section" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1) Demonstrate loss of income due to the public health emergency;".

(C) Paragraph (2) is amended to read as follows:

"(2)(A) Be ineligible for:

"(i) Unemployment insurance; or

"(ii) COVID-19 relief; or

"(B) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended not more than 6 months before the time of application for assistance under this section; and".

(C) A new paragraph (3) is added to read as follows:

"(3) Provide a:

"(A) Signed certification that the resident's loss of income stems from the public health emergency; and

"(B) Proof of residency and eligibility for relief, as determined by Events DC and consistent with rules and standards for COVID-19 relief programs administered by Events DC.".

(2) Subsection (d)(2) is amended to read as follows:

""(2) COVID-19 relief" means federal monetary unemployment assistance provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*), which shall include tax credits but shall not include federal Economic Impact Payments or other stimulus relief for which eligibility is not contingent on the recipient's employment status.".

Sec. 3. Section 2192 of the Fiscal Year 2021 Budget Support Emergency Act of 2020, effective August 19, 2020 (D.C. Act 23-404; 67 DCR 10098), is amended as follows:

(a) Subsection (a) is amended to read as follows:

"(a)(1) Capital project DHA21C ("DHA21C") shall be administered by the Office of the Chief Financial Officer ("OCFO"), with available project allotments advanced to the District of Columbia Housing Authority ("Authority") on a quarterly basis for the encumbrances and expenditures planned for that quarter; provided, that the requirements of subsection (b) of this section are met.

"(2) DHA21C funds shall be used by the Authority to fund capital-eligible construction, renovation, or rehabilitation subprojects that:

"(A) Increase the longevity of public housing units;

"(B) Prevent existing tenants from being displaced; or

"(C) Increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist.

"(3) DHA21C funds shall not be used to fund the Authority's operating costs, renovation, or rehabilitation of any unit set to be demolished, sold, or otherwise removed from the Authority inventory, or any administrative or overhead costs not specifically attributable to a subproject.".

(b) Subsection (b) is amended to read as follows:

"(b)(1) Each fiscal year that DHA21C funds are available, the Authority shall submit to the Mayor, the Council, and the OCFO a proposed spending plan, which shall include:

"(A) Documentation that planned encumbrances and expenditures are capital eligible; and

"(B) Information on each subproject for which the Authority proposes to use DHA21C funds, including, at a minimum:

"(i) The proposed location of the subproject;

"(ii) A detailed proposed scope of the subproject;

"(iii) A detailed proposed line-item budget for the subproject;

"(iv) A detailed proposed timeline for the subproject; and

"(v) A statement of whether the implementation of the proposed subproject will require the relocation of tenants and, if relocation is required, a detailed proposed relocation plan.

"(2) In the event of significant delays or changes in planned encumbrances and expenditures for any subproject during the fiscal year, the Authority shall update its spending plan and provide additional documentation as needed to minimize unencumbered and unexpended transfers, avoid causing the District to incur unnecessary debt service costs, and ensure that all subproject encumbrances and expenditures are capital eligible.".

(c) A new subsection (d) is added to read as follows:

"(d) The Inspector General of the District of Columbia shall audit the Authority's capital project DHA21C financial statements for the previous fiscal year not later than February 1, 2021, and not later than each February 1 thereafter for as long as DHA21C funds remain unspent by the Authority. The Inspector General shall submit to the Mayor, the Chief Financial Officer, and the Council a report on the results of each audit.".

Sec. 4. Section 203a of the Washington Convention Center Authority Act of 1994, effective August 19, 2020 (D.C. Act 23-404; 67 DCR 10098), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase "the Washington Convention and Sports Authority shall" and insert the phrase "the Washington Convention and Sports Authority ("Events DC") shall" in its place.

(B) Strike the phrase "a District resident shall" and insert the phrase "a District resident shall, at the time of application for assistance under this section" in its place.

(2) Paragraph (1) is amended to read as follows:

"(1) Demonstrate loss of income due to the public health emergency;".

(3) Paragraph (2) is amended to read as follows:

"(2)(A) Be ineligible for:

"(i) Unemployment insurance; or

"(ii) COVID-19 relief; or

"(B) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended not more than 6 months before the time of application for assistance under this section; and".

(4) A new paragraph (3) is added to read as follows:

"(3) Provide a:

"(A) Signed certification that the resident's loss of income stems from the public health emergency; and

"(B) Proof of residency and eligibility for relief, as determined by Events DC and consistent with rules and standards for COVID-19 relief programs administered by Events DC.".

(b) Subsection (d)(2) is amended to read as follows:

""(2) COVID-19 relief" means federal monetary unemployment assistance provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*), which shall include tax credits but shall not include federal Economic Impact Payments or other stimulus relief for which eligibility is not contingent on the recipient's employment status.".

Sec. 5. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2002.02(2) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Subparagraph (C) is amended by striking the period and inserting phrase "; or" in its place.

(3) A new subparagraph (D) is added to read as follows:

"(D) Spirituous or malt liquors, beers, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g).".

(b) Section 47-2202.01(2) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Subparagraph (C) is amended by striking the period and inserting the phrase "; or" in its place.

(3) A new subparagraph (D) is added to read as follows:

"(D) Spirituous or malt liquors, beers, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g).".

Sec. 6. Section 6(j)(3)(F) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(3)(F)), is amended by striking the phrase "described in section 125(3)(C) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Official Code § 47-2002(3)(C))" and inserting the phase "described in D.C. Official Code §§ 47-2002(a)(4B) and 47-2002.02(2)(C)" in its place.

Sec. 7. Chief Financial Officer collection of fees and processing costs.

(a) For any payment made by credit card or other electronic payment method, the Chief Financial Officer may impose any fee or processing cost related to the transfer or payment method.

(b) The Office of the Chief Financial Officer may promulgate regulations to implement the provisions of this section.

Sec. 8. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2020.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 10. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
October 28,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-448

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2020

To amend, on an temporary basis, the Tenant Opportunity to Purchase Act of 1980 ("TOPA") to clarify that under certain limited circumstances, low-income housing tax credit redevelopment projects do not fall under the requirements of TOPA, and to require that a notice of transfer include certain material facts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Temporary Amendment Act of 2020".

Sec. 2. Section 402 of the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02), is amended as follows:

(a) Subsection (c)(2) is amended as follows:

(1) Subparagraph (M) is amended by striking the word "and".

(2) Subparagraph (N) is amended by striking the period and inserting a semicolon in its place.

(3) New subparagraphs (O), (P), and (Q) are added to read as follows:

"(O) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, if each of the following conditions is satisfied:

"(i) The credit period, as defined in section 42 of the United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42) ("IRC"), for the housing accommodation has ended;

"(ii) Immediately prior to the transfer the housing accommodation is subject to:

"(I) An extended low-income housing commitment, as that term is defined in Section 42(h)(6)(B) of the IRC (100 Stat. 2189; 26 U.S.C. § 42(h)(6)(B)); or

"(II) A comparable restrictive covenant as a result of a federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC;

"(iii) Before and after the transfer, the owner of the housing accommodation is controlled, directly or indirectly, by the same person or entity; and

"(iv) Immediately following the transfer, the housing accommodation is for a term of not less than 10 and subject to an existing or new extended low-income housing commitment or a comparable restrictive covenant as a result of a federal or District program with occupancy, rent and income requirements at least as restrictive as under section 42 of the IRC.

"(P) The transfer of interests in a partnership or limited liability company that owns an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to allow for the exit of one or more limited partners or investor members who have made capital contributions and received tax benefits pursuant to section 42 of the IRC or a comparable federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC.

"(Q) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, the sole purpose of which is to qualify for and enter into a new credit period, as defined in section 42 of the IRC, for purposes of the rehabilitation of the housing accommodation; provided that, before and after the transfer, the owner of the housing accommodation is controlled, directly or indirectly, by the same person or entity.".

(b) Subsection (d)(3)(A) is amended to read as follows:

"(d)(3)(A) The Notice of Transfer shall be substantially in the form prescribed by the Mayor and shall provide at a minimum:

"(i) A statement of the rights of the tenant or the tenant organization under this act;

"(ii) An accurate description of the transfer containing all material facts, including whether the transfer will result in any changes in management, current rents, or any applicable affordability requirements for the housing accommodation;

"(iii) The date of the proposed transfer; and

"(iv) The reason, if any, why the owner asserts the transfer may not constitute a sale.".

Sec. 4 Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5 Effective date.

(a) This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 2,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-449

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2020

To amend, on an temporary basis, the Rental Housing Act of 1985 to extend the deadline by which the Office of the Tenant Advocate must develop the Rent Control Housing Database and transfer administration and maintenance of the database to the Rental Accommodations Division.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Control Housing Database Deadline Extension Temporary Amendment Act of 2020".

Sec. 2. Section 203c(e) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42–3502.03c(e)) is amended by striking the phrase "September 30, 2020" and inserting the phrase "December 31, 2021" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 2,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-450

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2020

To amend the Autonomous Vehicles Act of 2012 to establish an Autonomous Vehicles Testing Program to be administered by the District Department of Transportation, to authorize the District Department of Transportation to issue permits for the testing of autonomous vehicles on public roadways in the District, to authorize the District Department of Transportation to restrict testing under certain conditions, to establish operational standards for autonomous vehicles, to require an autonomous vehicle testing entity to report certain data and crash information to the District Department of Transportation, and to require the District Department of Transportation to provide a report with recommendations and a timeline to safely accommodate the full deployment of autonomous vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Autonomous Vehicles Testing Program Amendment Act of 2020".

Sec. 2. The Autonomous Vehicle Act of 2012, effective April 23, 2013 (D.C. Law 19-278; D.C. Official Code § 50-2351 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2351) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1C).

(2) New paragraphs (1), (1A), and (1B) are added to read as follows:

"(1) "Associated autonomous vehicle" means an autonomous vehicle that an autonomous vehicle testing entity identifies in its autonomous vehicle testing permit application pursuant to section 3a, and any subsequent autonomous vehicles approved to operate pursuant to section 3a(f)(1) or permitted by law to operate without subsequent approval.

"(1A) "Autonomous driving system" means the combination of hardware and software collectively capable of autonomous operation of a motor vehicle on a sustained basis that meets the definition of Levels 3, 4, or 5 of the Society of Automotive Engineers International's Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016.

"(1B) "Autonomous operation" means the performance of the entire dynamic driving task by an autonomous driving system, beginning upon the performance of the entire

dynamic driving task by an autonomous driving system and continuing until the autonomous driving system is disengaged.".

(3) The newly redesignated paragraph (1C) is amended to read as follows:

"(1C) "Autonomous vehicle" means a motor vehicle equipped with an autonomous driving system, regardless of whether the vehicle is under autonomous operation.".

(4) New paragraphs (1D) and (1E) are added to read as follows:

"(1D) "AV testing entity" means a person applying for or issued an AV testing permit by the Department.

"(1E) "AV testing permit" means a permit issued by the Department pursuant to section 3a.".

(5) Paragraph (2) is repealed.

(6) New paragraphs (2A), (2B), (2C), (2D), (2E), and (2F) are added to read as follows:

"(2A) "Department" means the District Department of Transportation.

"(2B) "Director" means the Director of the Department.

"(2C) "Dynamic driving task" means all of the real-time operational and tactical functions collectively required to operate a vehicle in on-road traffic, including controlling lateral and longitudinal vehicle motion, monitoring the driving environment, executing responses to objects and events, planning vehicle maneuvers, and enhancing vehicle conspicuity. The term "dynamic driving task" shall not include the strategic functions of driving, such as scheduling trips, selecting destinations, and specifying routes.

"(2D) "Minimal risk condition" means a condition to which a test operator or autonomous driving system brings a vehicle to reduce the risk of a crash when a trip cannot or should not be completed, such as bringing the vehicle to a complete stop.

"(2E) "Operate" means collectively, the activities performed by a test operator or an autonomous driving system to perform the entire dynamic driving task for an associated autonomous vehicle.

"(2F) "Operational design domain" means the environmental, geographic, time-of-day, traffic, infrastructure, and other conditions under which an autonomous driving system is specifically designed to function.".

(7) New paragraphs (3A), (3B), and (3C) are added to read as follows:

"(3A) "Remote operator" means an employee, contractor, or other designee of the autonomous testing entity who is not physically present in an associated autonomous vehicle, but is actively monitoring the autonomous operation of the vehicle in real time and is able to operate the vehicle or is able to communicate with occupants of the vehicle.

"(3B) "Testing" means the operation of an associated autonomous vehicle on public roadways to assess or demonstrate the associated autonomous vehicle's capabilities, including operating an associated autonomous vehicle with occupants other than a test operator.

"(3C) "Test operator" means an employee, contractor, or other designee of the autonomous vehicle testing entity who engages an autonomous driving system and performs, in real time, part or all of the dynamic driving task.".

(b) Section 3 (D.C. Official Code § 50-2352) is repealed.

(c) New sections 3a, 3b, 3c, 3d, 3e, 3f, and 3g are added to read as follows:

"Sec. 3a. Autonomous Vehicle Testing Program.

"(a) There is established an Autonomous Vehicle Testing Program, which shall be administered by the Department. The Department shall set the term for which an AV testing permit lasts before requiring renewal and the fees associated with testing an autonomous vehicle in the District.

"(b) The Department shall create an application process for an AV testing entity to obtain an AV testing permit issued by the Department.

"(c) As part of its application, an AV testing entity shall submit the following to the Department for approval:

"(1) The name, address, and principal point-of-contact for the AV testing entity applying for the AV testing permit;

"(2) Vehicle information for each associated autonomous vehicle used for testing, such as tag number and state of issuance, vehicle information number, vehicle make, model, and year, and proof of current vehicle registration;

"(3) A safety and risk mitigation assessment that addresses functional safety and cybersecurity risks, in a form to be determined by the Department, or the AV testing entity's most recent Voluntary Safety Self-Assessment, as described by the National Highway Traffic Safety Administration;

"(4) A description of the operational design domain in which an AV testing entity intends to test, including the circumstances under which testing would occur with a remote operator, if applicable; and

"(5) A certification that the AV testing entity and its associated autonomous vehicles comply with the following requirements:

"(A) When required by federal law, each associated autonomous vehicle shall bear the required manufacturer's certification label indicating that at the time of the vehicle's manufacture it was certified to comply with all applicable Federal Motor Vehicle Safety Standards, including reference to an applicable exemption granted by the National Highway Traffic Safety Administration, if any;

"(B) Each associated autonomous vehicle shall be capable of being operated in compliance with the applicable traffic and motor vehicle laws of the District, regardless of whether the vehicle is under autonomous operation;

"(C) Each associated autonomous vehicle shall be tested with either a test operator physically present in the vehicle or with a remote operator;

"(D) Each associated autonomous vehicle shall:

"(i) When a test operator is physically present in the autonomous vehicle, safely alert the test operator of a performance-relevant failure that renders the autonomous driving system unable to safely perform the entire dynamic driving task or when the vehicle operates outside of its operational design domain, and when the alert is given, achieve a minimal risk condition or require the test operator to take control of the vehicle; or

"(ii) When a test operator is not physically present in the autonomous vehicle, achieve a minimal risk condition in the event of a performance-relevant failure that renders the autonomous driving system unable to safely perform the entire dynamic driving task or if the vehicle operates outside of its operational design domain;

"(E) Before testing an associated autonomous vehicle when a test operator is not physically present in the vehicle, the autonomous driving system shall have been previously tested with a test operator physically present in the vehicle within the operational design domain in which the AV testing entity has been permitted to operate, and the autonomous vehicle testing entity shall have reasonably determined that the vehicle is capable of safe operation within the parameters of the operational design domain without a test operator physically present;

"(F) Each associated autonomous vehicle shall be equipped with a mechanism to capture and store sensor data from the relevant period preceding a crash between the vehicle and another vehicle, object, or person while the vehicle is under autonomous operation;

"(G) The AV testing entity shall create a test operator training program that meets minimum requirements as set by the Department or is reasonably equivalent thereto and each test operator or remote operator shall successfully complete the training program before testing with an associated autonomous vehicle in the District; and

"(H) The AV testing entity shall have the ability to respond to a judgment for damages, personal injury, death, or property damage from the operation of an autonomous vehicle on public roadways in the amount of $5 million in the form of:

"(i) An instrument of insurance issued by an insurer authorized to issue insurance in the District;

"(ii) A surety bond issued by an admitted surety insurer or an eligible surplus lines insurer, and not a deposit in lieu of bond; or

"(iii) A certificate of self-insurance issued or approved by the Department of Insurance, Securities, and Banking.

"(d) A person shall not test or operate an autonomous vehicle on a District roadway without an AV testing permit, unless the preexisting testing period applies pursuant to section 3e.

"(e) The AV testing entity associated with an autonomous vehicle shall be considered the operator of the vehicle while the vehicle is under autonomous operation.

"(f)(1) After approval of an AV testing permit, an AV testing entity shall receive approval from the Department for the following changes to its approved application:

"(A) The scope of its operational design domain;

"(B) Its test locations;

"(C) A change from testing with an in-vehicle test operator to testing with no test operator physically present in the vehicle;

"(D) A change to the make or type of vehicle in which testing occurs; and

"(E) An increase in the number of vehicles tested that is 50% more than the amount approved for on its most recent permit application, unless a greater percentage for subsequent approvals is stipulated to by the Department through rulemaking.

"(2) The Department shall review any proposed changes for which approval is required pursuant to paragraph (1) of this subsection and shall approve or deny the changes no later than 10 business days after the proposed changes are received.

"(g) An AV testing entity shall submit an associated autonomous vehicle inventory list to the Department on a quarterly basis that includes the relevant registration information, such as vehicle tag number and state of issuance, vehicle information number, vehicle make, model, and year, and proof of current vehicle registration.

"(h) Any records provided to the Department by an applicant or AV testing entity under this act shall not be disclosed to a third party by the Department, including through a request submitted pursuant to the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), except as required to:

"(1) Comply with a subpoena or active law enforcement or other government investigation; or

"(2) Comply with section 3c(b).

"Sec. 3b. Restrictions on testing.

"The Department may order an AV testing entity to temporarily restrict testing on select roadways, or District-wide, under certain circumstances identified by the Department pursuant to rules, including emergencies, special events, or specific roadway conditions that raise safety concerns. To the maximum extent practicable, the Department shall provide an AV testing entity with reasonable notice about how, where, and when testing will be restricted, and the reasons for such restriction. This section shall only apply to associated autonomous vehicles when under autonomous operation.

"Sec. 3c. Data and crash reporting.

"(a) On a semi-annual basis, an AV testing entity shall provide to the Department, in a form to be determined by the Department, the following information from each reporting period:

"(1) The vehicle miles traveled, in the aggregate, by its associated autonomous vehicles;

"(2) The number of crashes involving an associated autonomous vehicle on a public roadway while under autonomous operation in the District that resulted in property damage, bodily injury, or death, if any;

"(3) A description of changes, if any, the AV testing entity has implemented or intends to implement following a crash that occurred during the reporting period, such as changes to the autonomous vehicle's hardware or software systems, changes to the AV testing

entity's test operator training program, or changes to the AV testing entity's policies or procedures, or an explanation of why the AV testing entity has not implemented or does not intend to implement changes;

"(4) A description of the locations tested in, including specific roadways;

"(5) A description of the operational design domain in which testing occurred;

"(6) A description of the most common unplanned circumstances under which the autonomous driving system ceased autonomous operation, or where a test operator took over manual control of an associated autonomous vehicle, if any; and

"(7) Any other information the Department may require; provided, that the information is necessary to evaluate the safety of autonomous vehicles on public roadways or to evaluate the feasibility of the full deployment of autonomous vehicles in the District.

"(b) The Department shall publish the reports required by subsection (a) of this section on its website upon their receipt. The Department shall publish the safety and risk mitigation assessments, or the Voluntary Safety Self-Assessments, submitted pursuant to section 3a(c)(3), on its website upon approval of the AV testing entity's permit application; provided, that no proprietary or confidential business information shall be publicly disclosed by the Department.

"(c)(1) An AV testing entity shall notify the Department of a crash involving an associated autonomous vehicle while under autonomous operation that results in property damage, bodily injury, or death as soon as possible, but in no case more than 12 hours following the crash. At the time notification is provided pursuant to this paragraph, the AV testing entity shall provide, to the extent known:

"(A) The name of the AV testing entity;

"(B) The general location of the crash;

"(C) The date and approximate time of the crash;

"(D) The severity of the crash; and

"(E) The name, title, and contact information of the AV testing entity representative reporting the crash.

"(2) Within 5 business days of the crash, the AV testing entity shall submit a crash report to the Department that contains the following information:

"(A) The names of the test operators involved in the crash, if applicable;

"(B) The date, time, location, type of roadway, weather conditions, and a brief description of the event;

"(C) A summary of the movement of the vehicle preceding the crash, such as stopped, proceeding straight, making a turn, or reversing;

"(D) Whether the autonomous driving system was engaged;

"(E) Whether the test operators, if any, attempted to intervene; and

"(F) The name, title, and contact information for the AV testing entity representative submitting the crash report.

"(d) At its discretion, and in coordination with a law enforcement or government investigative entity, the Department may require an AV testing entity to submit additional

information necessary to investigate a crash. Such information shall be requested, stored, maintained, and transmitted pursuant to Department rules and applicable law.

"Sec. 3d. Report on full deployment of autonomous vehicles.

Within one year after the applicability date of the Autonomous Vehicles Testing Program Amendment Act of 2020, passed on 2nd reading on September 22, 2020 (Enrolled version of Bill 23-232), the Department shall transmit to the Council a report that provides recommendations to safely accommodate the deployment of autonomous vehicles on public roadways for commercial, personal, and any other use the Department determines. The report may include draft legislation or regulations.

"Sec. 3e. Preexisting testing or operation before testing permit availability.

"(a) An entity operating or testing autonomous vehicles in the District before the Department makes an AV testing permit application available pursuant to section 3a may continue operating or testing autonomous vehicles in the District until 60 days after the permit application becomes available.

"(b) Within 60 days after the Department makes an AV testing permit available, an entity operating or testing autonomous vehicles in the District pursuant to subsection (a) shall:

"(1) Apply for an AV testing permit; or

"(2) Cease operating or testing autonomous vehicles in the District.

"(c) An entity who applies for an AV testing permit pursuant to subsection (b)(1) of this section may continue operating or testing autonomous vehicles in the District while its application is pending, but the entity shall immediately cease operating or testing autonomous vehicles in the District if its application is denied.

"Sec. 3f. Civil penalties and other sanctions.

"(a)(1) An AV testing entity that violates this act, or a regulation promulgated pursuant to this act, shall be subject to a civil penalty of not more than $1,000 per offense.

"(2) Each day of a violation of this act, or a regulation promulgated pursuant to this act, shall constitute a separate offense, and the penalties set forth in this subsection shall be applicable to each separate offense.

"(b) In addition to, or in lieu of, the civil penalty described in subsection (a) of this section, the Department may modify, suspend, revoke, or deny an AV testing permit issued by the Department for a violation of this act, or a regulation promulgated pursuant to this act, after notice and opportunity for a hearing pursuant to section 3g.

"Sec. 3g. Administrative appeals.

"(a) A person aggrieved by an action of the Department taken pursuant to this act, or a regulation promulgated pursuant to this act, may appeal the action of the Department to the Office of Administrative Hearings, pursuant to section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)). The Office of Administrative Hearing shall provide a de novo hearing and shall determine whether the Department's action was legally proper.

"(b) An appeal shall be filed within 15 days after the adverse action of the Department, or, if notice of the adverse action is served by the United States mail or commercial carrier, within 20 days after the adverse action of the Department.".

(d) Section 5 (D.C. Official Code § 50-2354) is amended to read as follows:

"Sec. 5. Rules.

The Department, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.".

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 2,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2020

To amend the District of Columbia Administrative Procedure Act to provide that the Mayor shall provide 10 days' notice when proposing to install, modify, or amend a statement for guiding, directing, or otherwise regulating vehicular or pedestrian traffic, if the proposed installation, modification, or removal of the statement will increase safety at a location identified as a high-risk intersection or corridor in the Multimodal Long-Range Transportation Plan; to amend the Priority Sidewalk Assurance Act of 2010 to require the Mayor to install sidewalks on both sides of a street, to connect new sidewalks to existing sidewalks, to make crosswalks high-visibility crosswalks, and to make conforming amendments; to amend the Department of Transportation Establishment Act of 2002 to provide that the District Department of Transportation ("DDOT") shall not construct certain capital projects over $1 million without publishing a report on its website describing how the project relates to Vision Zero or other District goals, to provide that DDOT shall not issue a public space permit for certain projects over $1 million unless the plans include appropriate installations for new sidewalks or high-visibility crosswalks for unmarked crosswalks where appropriate and the applicant has met the requirements of previous permits and restored crosswalks to be high-visibility and bike lanes to their pre-construction condition or as a protected bike lane, to require DDOT to maintain a webpage that makes all data collected pursuant to the Bicycle and Pedestrian Safety Amendment Act of 2016 publicly available and easily searchable, and to provide that each day a bike lane is not restored to its pre-construction condition or each day a crosswalk is not restored after construction to the condition called for in the Standard Specifications used by DDOT shall be a Class 1 infraction; to amend the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984 to add the Director of the Department of Public Works to the Bicycle Advisory Council, and to require DDOT to construct a protected bike lane or cycle track on a road segment where called for in the District of Columbia's Multimodal Long-Range Transportation Plan when DDOT is otherwise engaged in road reconstruction on that road segment; to amend the Distracted Driving Safety Act of 2004 to prohibit drivers from using headphones or earbuds that cover both ears while operating a motor vehicle, and to eliminate the

provision that bars points from being assessed for a violation of the Distracted Driving Safety Act of 2004 when the violation does not contribute to an accident; to amend the Bicycle and Pedestrian Safety Amendment Act of 2016 to require DDOT to publish requests for all-way or signalized stops at intersections and, if the request is denied, to explain the agency's reasoning as to why it denied the request, to require DDOT to submit to the Council a Vision Zero infrastructure progress report on the District's top 15 most dangerous corridors for pedestrians and cyclists including how proposed projects in those corridors increase safety, increase equitable access to public transportation, contribute to reaching the mode share goals in the Multimodal Long-Range Transportation Plan, and decrease the speed of motor vehicles in the corridor, to require that DDOT adopt an updated Complete Streets Policy, to require DDOT to update the Council on the progress of implementing the Complete Streets policy every 4 years, to require DDOT to update the Multimodal Long-Range Transportation Plan and then update the plan every 5 years, to require DDOT to post an incident report on its website within 60 days after a collision that causes a death or serious injury describing planned design changes to the site, and to add the Director of the Department of Motor Vehicles to the Major Crash Review Task Force; to amend the District of Columbia Traffic Act, 1925 to require applicants to convert an out-of-state license to take an examination of the applicant's knowledge of certain traffic rules and regulations, to require DDOT, in coordination with other agencies, to conduct a public outreach campaign on Vision Zero; to prohibit right turns when facing a red traffic control signal in intersections within 400 feet of a school, recreation center, library, playground, Metrorail station entrance, or with a bike lane running through it, unless DDOT publishes an explanation as to why the prohibition would not increase safety, to reduce the speed limit on District roads classified by DDOT as local or collector to 20 miles per hour, and to provide for the revocation of a person's license and vehicle registration if the person fails to enroll in the Ignition Interlock Program when required; to amend the Fiscal Year 1997 Budget Support Act of 1996 to require the Mayor to send warnings to drivers caught going 8 or more miles per hour over the speed limit by an automated traffic enforcement camera when the Mayor does not issue a summons and notice of infraction; to amend the Safety-Based Traffic Enforcement Amendment Act of 2012 to require the Mayor to have at least 75 operating red light cameras by January 1, 2022, at least 10 operating bus lane enforcement cameras in the District by January 1, 2022, at least 30 operating stop sign cameras by January 1, 2024, and at least 125 operating red light cameras January 1, 2024; to amend the District of Columbia Traffic Adjudication Act of 1978 to permit the Mayor to establish reciprocal agreements with states and other jurisdictions that provide for the suspension of vehicle registrations or driver's licenses that accrue more than a certain amount of traffic fines in the District, to require the Mayor to enter into

negotiations with Virginia and Maryland to establish such reciprocal agreements, and to require the Mayor to submit a report to the Council on the progress or result of the required negotiations; to amend the Commercial Curbside Loading Zone Implementation Act of 2009 to require DDOT to issue rules to ensure certain new developments have appropriate loading and unloading zones; and to amend Title 18 of the District of Columbia Municipal Regulations to require bicycles in the District to have a light on the rear, and to prohibit trailers from parking alongside an unprotected bike lane.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vision Zero Enhancement Omnibus Amendment Act of 2020".

Sec. 2. The District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), is amended as follows:

(a) Section 102(6)(B)(iv) (D.C. Official Code § 2-502(6)(B)(iv)) is amended by striking the phrase "30-days written notice via electronic delivery, excluding Saturdays, Sundays and legal holidays" and inserting the phrase "30 days' written notice, or 10 days' written notice if the District Department of Transportation has published brief reasoning on its website describing how the proposed installation, modification, or removal will increase safety at a location identified as a high-risk intersection or corridor in the Multimodal Long-Range Transportation Plan, via electronic delivery, excluding Saturdays, Sundays and legal holidays" in its place.

(b) Section 301(e)(2)(D) (D.C. Official Code § 2-551(5)(B)(iv)) is amended by striking the phrase "30-days written notice, via electronic delivery, excluding Saturdays, Sundays and legal holidays" and inserting the phrase "30 days' written notice, or 10 days' written notice if the District Department of Transportation has published brief reasoning on its website describing how the proposed installation, modification, or removal will increase safety at a location identified as a high risk intersection or corridor in the Multimodal Long-Range Transportation Plan, via electronic delivery, excluding Saturdays, Sundays and legal holidays" in its place.

Sec. 3. The Priority Sidewalk Assurance Act of 2010, effective September 24, 2010 (D.C. Law 18-227; D.C. Official Code § 9-425.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 9-425.01) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) For road segments that lack sidewalks on both sides of the street, road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement shall include installation of a sidewalk on the side of the street that lacks a sidewalk.

"(2) When installing a new sidewalk pursuant to this subsection, the new sidewalk shall connect to an existing sidewalk if there is an existing sidewalk within 0.1 miles from the road segment where the construction of the new sidewalk is taking place, on either end, and is on

the same side of the street as the new sidewalk.".

(2) The lead-in language of subsection (b) is amended by striking the phrase "major construction" and inserting the phrase "road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement" in its place.

(b) A new section 2a is added to read as follows:

"Sec. 2a. Crosswalk installation requirements.

"For a road segment that has a crosswalk that is not marked, road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement shall include installation of a high-visibility, marked crosswalk that complies with the Manual on Uniform Traffic Control Devices, unless DDOT has published a brief reasoning on its website describing why installing a high-visibility, marked crosswalk would reduce pedestrian safety.".

(c) Section 3 (D.C. Official Code § 9-425.02) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase "new sidewalks." and inserting the phrase "new sidewalks or crosswalks." in its place.

(B) Paragraph (1) is amended by striking the phrase "new sidewalk" and inserting the phrase "new sidewalk or crosswalk" in its place.

(C) Paragraph (2) is amended by striking the phrase "the proposed sidewalk" both times it appears and inserting the phrase "the proposed sidewalk or crosswalk" in its place.

(2) Subsection (f) is amended to read as follows:

"(f) For the purposes of this act, the term:

"(1) "Affected parties" means residents with property abutting the road segment under consideration.

"(2) "Crosswalk" shall have the same meaning as provided in 18 DCMR § 9901.1.".

Sec. 4. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 50-921.04(a)) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

"(2A) The Project Delivery Administration shall not construct a capital project described in paragraph (1)(D) of this subsection if the cost of work that is done in the public space is greater than $1 million and the project will require any road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement, unless DDOT has published a report on its website describing how the capital project:

"(A) Implements a project or recommendation listed in the Multimodal Long-Range Transportation Plan ("Transportation Plan");

"(B) Increases safety for users of modes of transportation other than motor vehicles, as that term is defined in section 8 of An Act To provide for the annual inspection of all

motor vehicles in the District of Columbia, effective March 15, 1985 (D.C. Law 5-176; D.C. Official Code § 50-1108);

"(C) Increases equitable access to public transportation by furthering the Transportation Plan's goal of 50% of all commuter trips by public transportation by 2032, including a description of whether the capital project improves equitable access to public transportation in an area identified as a transit priority need area in the Transportation Plan;

"(D) Fulfills a public safety goal of the District; or

"(E) Is required by law or as a condition of a federal grant.".

(2) A new paragraph (3A) is added to read as follows:

"(3A) The Operations Administration shall not issue a public space permit described in paragraph (3)(E) of this subsection if the work that is done in the public space has an aggregate cost greater than $1 million and the project will require any road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement, unless:

"(A) The applicant's project plan includes:

"(i) If the project is on a road segment that lacks a sidewalk on the side of the street where the project for which a permit is requested will occur, a requirement that the applicant install a new sidewalk on that block that connects to an existing sidewalk if there is an existing sidewalk within 0.1 miles of the new sidewalk, on either end, that is on the same side of the street as the new sidewalk;

"(ii) If the project is on a road segment that includes a crosswalk, as that term is defined in 18 DCMR § 9901.1, that is not a marked, high-visibility crosswalk, a requirement that the applicant make the crosswalk a marked, high-visibility crosswalk, unless DDOT determines that installing a high-visibility, marked crosswalk would reduce pedestrian safety;

"(iii) If any crosswalks are removed during the project, a requirement that the applicant replace the crosswalk with a high-visibility, marked crosswalk, unless DDOT determines that installing a high-visibility, marked crosswalk would reduce pedestrian safety;

"(iv) If a bicycle lane is removed during the project, a requirement that the applicant replace the bicycle lane to its pre-construction condition, and, after September 30, 2021, if more than 50 feet of a bicycle lane is removed during the project, replace that block of the bicycle lane with a protected bicycle lane or a cycle track when called for in DDOT's Multimodal Long-Range Transportation Plan; and

"(v) A requirement that the applicant submit photographs and any other materials as required by DDOT evidencing the applicant's compliance with the requirements of this subparagraph.

"(B) DDOT certifies that, for any past project that required any road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement for which the applicant received a public space permit described in paragraph (3)(E) of this subsection after the applicability date of section 4 of the Vision Zero Omnibus Enhancement

Amendment Act of 2020, passed on 2nd reading on September 22, 2020 (Enrolled version of Bill 23-288), the applicant has complied with all requirements of past project plans, as required by subparagraph (A) of this paragraph.".

(3) Paragraph (5) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Subparagraph (B) is amended by striking the period and inserting a semicolon in its place.

(C) New subparagraphs (C) and (D) are added to read as follows:

"(C) Maintain a webpage that makes publicly available and easily searchable:

"(i) All data the Mayor is required to collect pursuant to sections 101 through 107 of the Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code §§ 50-1951.01 through 50-1951.07); and

"(ii) Data in the Department of Health's annual Trauma Registry Report that is anonymized as to specific individuals.

"(D) Develop and maintain a tutorial maintained on the webpage required by subparagraph (C) of this paragraph describing how to access the data published on the webpage required by subparagraph (C) of this paragraph.".

(b) Section 9k (D.C. Official Code § 50-921.19) is amended by adding a new subsection (g) to read as follows:

"(g)(1) Failure to comply with the requirements described in section 5(a)(3A)(A)(iii) or (iv) shall be a Class 1 infraction under Chapter 32 of Title 16 of the District of Columbia Municipal Regulations.

"(2) For a violation described in paragraph (1) of this subsection, beginning on the first full day that is at least 48 hours after the completion of a project for which DDOT has issued a permit pursuant to section 5(a)(3)(E), the Director shall issue a unique notice of infraction each calendar day until the applicant cures the violation. For the purposes of a notice of infraction issued pursuant to this paragraph, evidence of a violation described in paragraph (1) of this subsection on any date shall create a rebuttable presumption that the same violation occurred on every prior day beginning on the first full day that is at least 48 hours after the completion of the project.

"(3) Nothing in this subsection shall be construed to limit the Director's authority to set and enforce fines for other infractions.".

Sec. 5. The District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1601 *et seq.*), is amended as follows:

(a) Section 5(b)(1) (D.C. Official Code § 50-1604(b)(1)) is amended as follows:

(1) The lead-in language is amended by striking the number "17" and inserting

the number "18" in its place.

(2) A new subparagraph (C-i) is added to read as follows:

"(C-i) The Director of the Department of Public Works or his or her designee;".

(b) New sections 9a and 9b are added to read as follows:

"Sec. 9a. Protected bicycle lane installation requirements.

"(a) Except as provided in subsection (d) of this section, beginning September 30, 2021, for road segments that were included in the Recommended Bicycle Network in the Multimodal Long-Range Transportation Plan as described in section 302(b) of the Bicycle and Pedestrian Safety Amendment Act of 2016, passed on 2nd reading on September 22, 2020 (Enrolled version of Bill 23-288), DDOT shall construct a protected bicycle lane or cycle track on that road segment when DDOT engages in any road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement on that road segment. To the greatest extent feasible, DDOT shall make efforts to ensure the protected bicycle lanes and cycle tracks constructed are contiguous with other bicycle lanes and cycle tracks that are already completed.

"(b) Except as provided in subsection (d) of this section, beginning September 30, 2021, DDOT shall construct a transit lane or multimodal priority street on a street designated in the Multimodal Long-Range Transportation Plan as described in section 302(a)(3) of the Bicycle Safety Pedestrian Safety Amendment Act of 2016, passed on 2nd reading on September 22, 2020 (Enrolled version of Bill 23-288), when DDOT engages in any road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement on that street.

"(c)(1) At least 30 days before construction begins on a protected bicycle lane, cycle track, transit lane, or multimodal priority street, the Mayor shall provide notice to affected parties, the affected Advisory Neighborhood Commissions, and the Councilmembers of the affected Wards. At a minimum, this notice shall include:

"(A) A statement of intent to construct a new protected bicycle lane, cycle track, transit lane, or multimodal priority street, including the proposed design;

"(B) A statement describing a 30-day period for public comment on the proposed protected bicycle lane, cycle track, transit lane, or multimodal priority street, and how affected parties can comment on the proposed protected bicycle lane, cycle track, transit lane, or multimodal priority street, including a statement on how Advisory Neighborhood Commissions can submit resolutions on the potential impact of the proposed protected bicycle lane, cycle track, transit lane, or multimodal priority street; and

"(C) A construction schedule.

"(2) The Mayor shall maintain for public review comments from affected parties received pursuant to paragraph (1)(B) of this subsection and responses thereto.

"(3) A resolution of an affected Advisory Neighborhood Commission shall be given great weight, as described in section 13(d)(3)(A) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(d)(3)(A)).

"(d)(1) The requirements of this section shall not apply if the Director of DDOT determines, in writing, that it is impractical or unnecessary to install a protected bicycle lane, cycle track, transit lane, or multimodal priority street, because:

"(A) The physical site conditions would make it unduly expensive to construct the protected bicycle lane, cycle track, transit lane, or multimodal priority street; or

"(B) The District would be required to acquire an easement or property interest to establish the protected bicycle lane, cycle track, transit lane, or multimodal priority street.

"(2) The written determination required by paragraph (1) of this subsection shall be posted on the DDOT website.

"(e) DDOT shall not forgo meeting the goals of DDOT's Paving Plan in order to avoid the requirements of the section.

"(f) For the purposes of this section, the term:

"(1) "Affected parties" means residents with property abutting the road segment on which the road reconstruction or major repair, installation of a curb and gutter, or curb and gutter replacement will occur.

"(2) "Cycle track" means an exclusive bike facility that is a separate path from the street and apart from on-street infrastructure.

"(3) "Multimodal priority street" means a street fully or partially closed to traffic by motor vehicles.

"(4) "Protected bicycle lane" means a lane designated as exclusive space for bicyclists with pavement markings and signage, and includes physical barriers that separate the user from adjacent motor vehicle traffic.

"(5) Reconstruction" means any construction work done that requires designing a new layout of the road, but shall not include repaving by itself.

"(6) "Transit lane" means:

"(A) A vehicle travel lane for use exclusively by public transportation; or

"(B) A dedicated transitway.

"Sec. 9b. Proper bicycle equipment enforcement restrictions.

"A law enforcement officer, as identified in section 3003 of Title 18 of the District of Columbia Municipal Regulations, shall not stop an individual for a violation, or a perceived violation, of the bicycle safety equipment requirements under section 1204 of Title 18 of the District of Columbia Municipal Regulations.".

Sec. 6. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 50-1731.04) is amended as follows:

(1) The lead-in language of subsection (b) is amended by striking the phrase "this section" and inserting the phrase "subsection (a) of this section" in its place.

(2) A new subsection (c) is added to read as follows:

"(c) No person shall use headphones that cover both ears or earbuds in both ears while operating a motor vehicle in the District, except if the headphones or earbuds are being used to assist a hearing-impaired driver.".

(b) Section 6(b) (D.C. Official Code § 50-1731.06(b)) is amended by striking the phrase "; provided, that no points shall be assessed for a violation of this act that does not contribute to an accident." and inserting a period in its place.

Sec. 7. The Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code § 50-1951.01 *et seq.*), is amended as follows:

(a) Section 102(a) (D.C. Official Code § 50-1951.02(a)) is amended as follows:

(1) Paragraph (6)(C) is amended by striking the period and inserting a semicolon in its place.

(2) Paragraph (7) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (8) is added to read as follows:

"(8) The speed of any motor vehicle involved in the collision, if known.".

(b) Section 103(a) (D.C. Official Code § 50-1951.03(a)) is amended as follows:

(1) Paragraph (6) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (7) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (8) is added to read as follows:

"(8) The speed of the motor vehicle that committed the moving infraction, if known.".

(c) Section 105 (D.C. Official Code § 50-1951.05) is amended as follows:

(1) The section heading is amended by striking the phrase "calming measures" and inserting the phrase "calming measures and all-way stop or signalized intersections" in its place.

(2) A new subsection (a-1) is added to read as follows:

"(a-1) DDOT shall publish on its website, at least once per month, the following information related to citizen petitions, submitted to DDOT in the preceding 3 months and for which information has not already been published pursuant to this subsection, to convert an intersection of local, collector, or minor arterial streets to an all-way stop or signalized intersection:

"(1) The location of the intersection;

"(2) The date that the citizen petition was submitted to DDOT;

"(3) The change or modification requested under the citizen petition; and

"(4) For a request to convert an intersection to a signalized intersection, DDOT's reasoning as to why it approved or denied the request for that particular intersection; or

"(5) For a request to convert an intersection to an all-way stop:

"(A) If the request is approved, an estimated timeline for the conversion; or

"(B) If the request is denied, a brief description of why approving the request would decrease pedestrian safety.".

(3) Subsection (b) is amended by striking the phrase "calming measures" and inserting the phrase "calming measures and all-way or signalized stops" in its place.

(d) Section 106 (D.C. Official Code § 50-1951.06) is amended to read as follows:

"Sec. 106. Annual report on the most dangerous corridors for pedestrians and cyclists.

"Within 10 days of the date the Mayor submits the annual proposed budget to the Council, DDOT shall submit to the Council a Vision Zero infrastructure progress report that includes:

"(1) A list of the top 15 most dangerous corridors in the District for pedestrians and cyclists, as identified by DDOT;

"(2) For each corridor listed pursuant to paragraph (1) of this section, a description of projects for which funding is included in the Mayor's proposed budget that would:

"(A) Reduce fatalities and serious injuries in that corridor;

"(B) Increase equitable access to public transportation in that corridor;

"(C) Contribute to reaching the mode share goals in the Multimodal Long-Range Transportation Plan; and

"(D) Decrease the speed of motor vehicles in the corridor.

"(3) For each project described in paragraph (2) of this section, a description of and the expected delivery date for the project.

"(4) For each project described in paragraph (2) of this section that is not projected to be completed within 2 years after the submission of the Vision Zero infrastructure progress report, a description of measures that will be implemented during the next fiscal year in furtherance of the goals described in paragraph (2) of this section.".

(e) Title III (D.C. Official Code § 50-2381 *et seq.*) is amended as follows:

(1) The title heading is amended by striking the phrase "policy" and inserting the phrase "policy and Multimodal Long-Range Transportation Plan" in its place.

(2) Section 301 (D.C. Official Code § 50-2381) is amended as follows:

(A) A new subsection (b-1) is added to read as follows:

"(b-1) In addition to the goals set out in subsection (b) of this section, by September 30, 2021, the Complete Streets policy shall include:

"(1) A recognition of the need to create a comprehensive, integrated, and connected network for all modes of transportation;

"(2) Recommendations for the use of the latest and best design criteria and guidelines;

"(3) A recognition that there must be sensitivity to the current and planned context of where projects will go, including buildings, land use, transportation, and community needs;

"(4) Performance standards with measurable outcomes; and

"(5) Specific next steps for implementing the policy as described.".

(B) Subsection (d) is amended to read as follows:

"(d) By September 30, 2022, and every 4 years thereafter, DDOT shall report to the Council on DDOT's progress towards implementing the Complete Streets policy during the previous 4 fiscal years, as well as plans for further implementation of the Complete Streets policy during the upcoming 4 fiscal years. These reports shall incorporate performance measures established by DDOT to determine how well streets are serving all users and identify barriers to implementing the Complete Streets policy.".

(3) New sections 302 and 303 are added to read as follows:

"Sec. 302. Multimodal Long-Range Transportation Plan.

"(a) By September 30, 2021, and every 5 years thereafter, the Mayor shall submit to Council a Multimodal Long-Range Transportation Plan that includes:

"(1) A plan to ensure that by 2032, 50% of all commuter trips in the District are on public transportation and an additional 25% of commuter trips in all wards are by a mode of transportation other than motor vehicle;

"(2) A plan to ensure equitable access to public transportation in the District, including a list of transit priority need areas that DDOT has identified as having a higher than average reliance on public transportation;

"(3) A list of streets on which, or Metrobus or DC Circulator lines for which, DDOT plans to designate a vehicle travel lane for use exclusively by public transportation or as a multimodal priority street. The list shall include at least one street for use exclusively by public transportation in, or Metrobus or DC Circulator line that serves, each ward; and

"(4) A list of high-risk intersections and corridors DDOT has identified as having an above average number of crashes leading to a death or serious injury in the previous 2 years, or that DDOT certifies as being at high risk of a crash that could lead to death or serious injury in the future.

"(b) For the purposes of this section, the term "public transportation" means any publicly owned or operated commercial vehicle, including DC Circulator, DC Streetcar, MetroAccess, Metrobus, or Metrorail.

"Sec. 303. Incident report required.

"Within 30 days after a collision, as that term is defined in section 2(3) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(3)), that causes a death or an injury likely to result in death, the District Department of Transportation ("DDOT") shall inspect the site of the collision. Within 30 days after the inspection, DDOT shall publish on its website an incident report describing:

"(1) Interim design elements that, after the collision, DDOT has installed at the site of the collision, if any;

"(2) Permanent or interim design elements that DDOT plans to install at the site of the collision, if any;

"(3) Whether the site of the collision is within one of the high-risk corridors identified by DDOT in the Multimodal Long-Range Transportation Plan; and

"(4) A detailed explanation as to why no interim or permanent design changes are warranted, should DDOT determine that no changes are warranted.".

(f) Section 802(a) (D.C. Official Code § 50-1831(a)) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (6) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (7) is added to read as follows:

"(7) The Director of the Department of Motor Vehicles, or the Director's designee.".

Sec. 8. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 7(a)(1) (D.C. Official Code § 50-1401.01(a)(1)) is amended as follows:

(1) Subparagraph (B)(i) is amended by striking the phrase "in the District" and inserting the phrase ", including giving bicyclists 3 feet of space, employing the Dutch reach method to open a car door, and yielding to bicyclists when turning" in its place.

(2) A new subparagraph (B-i) is added to read as follows:

"(B-i)(i) For the purposes of subparagraph (B) of this paragraph, the term "Dutch reach method" means using the hand furthest from a car door handle to open the car door and, at the same time, looking over one's shoulder to ensure the door may be opened safely.

"(ii) The examination required by subparagraph (B)(i) of this paragraph shall be required for all persons who are converting an out-of-state license who have not taken the exam within the past 5 years. The requirement of this sub-subparagraph shall not be waived for any reason, except that holders of a commercial driver license shall not be required to take the exam A person converting an out-of-state license may take the examination required by this sub-subparagraph as many times as needed to pass.".

(b) A new section 7d is added to read as follows:

"Sec. 7d. Public outreach program.

"(a) Within one year after the applicability date of section 8 of the Vision Zero Omnibus Enhancement Act of 2020, passed on 2nd reading on September 22, 2020 (Enrolled version of Bill 23-288), the District Department of Transportation ("DDOT"), in conjunction with the Metropolitan Police Department, the Department of Motor Vehicles, the Department of Public Works, and the Washington Area Bicyclist Association, shall establish a public outreach campaign ("campaign") that:

"(1) Emphasizes zero-tolerance for automobile-bicycle related injuries and fatalities;

"(2) Includes information about traffic safety, sharing the road, and the danger

that opening motor vehicle doors poses to bicyclists; and

"(3) Includes education forums in each ward, aimed at educating the public and raising awareness related to automobile-bicycle related injuries and fatalities.

"(b) In establishing the campaign, DDOT shall seek the input of community organizations, nonprofit organizations, and advocacy groups whose work relates to automobile-bicycle related injuries and fatalities.".

(c) Section 9(a) (D.C. Official Code § 50-2201.04(a)) is amended as follows:

(1) The existing text is designated as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

"(2) The speed limit on a street classified by the District Department of Transportation as local or collector shall be 20 miles per hour or less.".

(d) A new section 9e is added to read as follows:

"Sec. 9e. Traffic control at intersections.

"(a) Except as provided in subsection (b) of this section, DDOT shall erect signage prohibiting right turns when facing a red traffic control signal at an intersection that:

"(1) Is within 400 feet of a playground;

"(2) Is within 400 feet of an elementary or middle school or a high school;

"(3) Has a bike lane running through it;

"(4) Is within 400 feet of a recreation center;

"(5) Is within 400 feet of a library; or

"(6) Is within 400 feet of a Metrorail station entrance.

"(b) DDOT may elect not to erect signage prohibiting right turns when facing a red traffic control signal at an intersection as required by subsection (a) of this section if it publishes an explanation on its website as to why such signage would not contribute to safety at that particular intersection.".

(e) Section 10a (D.C. Official Code § 50-2201.05a) is amended by adding a new subsection (b-2) to read as follows:

"(b-2) If a person fails to enroll in the Program within 30 days after notification by the Department of Motor Vehicles of the requirement that the person enroll in the Program, the person's license, permit, or privilege to drive in the District shall be revoked and the person's vehicle registration, if any, shall be suspended, until the person enters the Program. The period of time the person is required to enroll in the Program may be extended, pursuant to regulations, for failure to comply with the requirements of the Program.".

Sec. 9. Section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "When a violation is detected by an automated traffic enforcement system" and inserting the phrase "When a violation is detected by an automated traffic enforcement system and the Mayor enforces the violation" in its place.

(b) A new subsection (b-1) is added to read as follows:

"(b-1) When a speeding violation is detected by an automated traffic enforcement system in an amount of 8 miles per hour or more over the applicable speed limit and the Mayor does not enforce the violation, the Mayor shall mail a warning to the name and address of the registered owner of the vehicle on file with the Department of Motor Vehicles or the appropriate state motor vehicle agency, except that the Mayor need only issue one warning per calendar year to each registered owner for each location of detection. The warning shall include the date, time, and location of the violation, the type of violation detected, the license plate number, and state of issuance of the vehicle detected, a copy of the photo or digitized image of the violation, and wording stating that the Mayor retains the right to enforce any future speeding violations detected.".

Sec. 10. Section 103 of the Safety-Based Traffic Enforcement Amendment Act of 2012, effective May 1, 2013 (D.C. Law 19-307; D.C. Official Code § 50-2209.11), is amended as follows:

(a) The existing text is designated as subsection (a).

(b) A new subsection (b) is added to read as follows:

"(b)(1) By January 1, 2022, the Mayor shall have operating at least:

"(A) 75 red light automated enforcement cameras; and

"(B) 10 bus lane automated enforcement cameras.

"(2) By January 1, 2024, the Mayor shall have operating at least:

"(A) 30 stop sign automated enforcement cameras; and

"(B) 125 red light automated enforcement cameras.".

Sec. 11. Title I of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended by adding a new section 112 to read as follows:

"Sec. 112. Reciprocity for non-moving and ATE fines.

"(a)(1) The Mayor may establish reciprocal agreements with states or other jurisdictions that provide for the suspension of vehicle registrations or driver's licenses for vehicles registered in that state or jurisdiction that accrue more than an amount, to be determined in negotiations with the states or other jurisdictions, of non-moving violation fines and automated traffic enforcement fines in the District.

"(2) The Mayor may permit a percentage of the money recovered from the payment of citations and fines due to suspended vehicle registrations or driver's licenses be paid to the state or jurisdiction in which the vehicle is registered or the driver is licensed as payment for the state or jurisdiction's cooperation in the reciprocal agreement.

"(b)(1) The Mayor shall enter into negotiations with Virginia and Maryland to establish reciprocal agreements as described in subsection (a) of this section.

"(2) The Mayor shall transmit a report to the Council by September 30, 2021, which describes the results or progress of the negotiations required by this subsection, the

contents of any reciprocal agreement agreed upon, and the expected financial gain or loss resulting from any reciprocal agreement agreed upon.".

Sec. 12. The Commercial Curbside Loading Zone Implementation Act of 2009, effective October 22, 2009 (D.C. Law 18-66; D.C. Official Code § 50-2651 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2651) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) To ensure that residential developments have adequate commercial and passenger vehicle loading and unloading zones to eliminate the need for illegal parking by commercial vehicles, the program rules shall establish a process by which the owner of a building with 50 or more residential units shall submit to the District Department of Transportation for approval plans to reduce or prevent congestion caused by:

"(1) Loading vehicles; and

"(2) Private vehicles-for-hire and public vehicles for-hire, as those terms are defined in section 4(16A) and (17) of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code § 50-301.03(16A) and (17)).".

(b) Section 3(a) (D.C. Official Code § 50-2652(a)) is amended by striking the phrase "Within 120 days of the effective date of this act, the" and inserting the word "The" in its place.

Sec. 13. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 1204 is amended as follows:

(1) Subsection 1204.2 is amended by striking the phrase "with a red reflector on the rear which shall be visible from all distances from fifty feet (50 ft.) to three hundred feet (300 ft.) to the rear when directly in front of upper beams of head lamps on a motor vehicle." and inserting the phrase "with a lamp on the rear which shall emit a steady or flashing red light visible from a distance of at least five hundred feet (500 ft.) to the rear." in its place.

(2) Subsection 1204.3 is repealed.

(b) The lead-in language of section 2405.5 is amended to read as follows:

"2405.5 The following may not be parked on any public thoroughfare alongside a bike lane that does not have a barrier between the bike lane and the road, or in front of, alongside, or in the rear of any private dwelling or apartment, house of worship, school, playground, or hospital, except while engaged in work at such place for which the vehicle is reasonably necessary:".

Sec. 14. Applicability.

(a) Sections 3, 4, 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 8, 9, 10, and 12 of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council for certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provisions identified in subsection (a) of this section.

Sec. 15. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 16. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 2,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2020

To amend, on an emergency basis, the Rental Housing Act of 1985 to extend the deadline by which the Office of the Tenant Advocate must develop the Rent Control Housing Database and transfer administration and maintenance of the database to the Rental Accommodations Division.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Control Housing Database Deadline Extension Emergency Amendment Act of 2020".

Sec. 2. Section 203c(e) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42–3502.03c(e)), is amended by striking the phrase "September 30, 2020" and inserting the phrase "December 31, 2021" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 2,2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-453

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 2, 2020

To amend, on an emergency basis, Title 29 of the District of Columbia Official Code to authorize remote meetings of members of foreign corporations and associations; to amend the Condominium Act of 1976 to authorize condominium unit owners' associations to conduct virtual meetings and to clarify voting and quorum requirements for such meetings during a period of time for which the Mayor has declared a public health emergency; and to amend the Coronavirus Support Temporary Amendment Act of 2020 to repeal an obsolete provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Common Interest Community Virtual Meeting Emergency Amendment Act of 2020".

Sec. 2. Section 29-936 of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as subsection (a).

(b) A new subsection (b) is added to read as follows:

"(b) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws, members may participate in regular and special meetings of members remotely.".

Sec. 3. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.03), is amended by adding new a subsection (f) to read as follows:

"(f) Notwithstanding any language contained in this act or in the condominium instruments, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

"(1) The executive board may authorize unit owners to submit votes by electronic transmission up to 7 days before the scheduled date of any meeting of the unit owners, and unit owners who submit votes during such period shall be deemed to be present and voting in person at such meeting.

"(2)(A) Meetings of the unit owners' association, board of directors, or committees may be conducted or attended by telephone conference, video conference, or similar electronic means. If a meeting is conducted by telephone conference, video conference, or similar electronic means, the equipment or system used must permit any unit owner in attendance to hear and be heard by, and to communicate what is said by, all other unit owners participating in the meeting. Any unit owner, board member, or committee member attending such meeting shall be deemed present for quorum purposes.

"(B) A link or instructions on how to access an electronic meeting shall be included in the notice required under subsection (a) of this section.

"(C) Any matters requiring a vote of the unit owners' association at an annual or regular meeting may be set by the executive board for a vote, and a ballot may be delivered with the notice required under subsection (a) of this section. The executive board may set a reasonable deadline for a ballot to be returned to the association.".

Sec. 4. Section 507(d) of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

Sec. 5. Applicability.

This act shall apply as of October 9, 2020.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
November 2,2020

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than 15 days. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004, Telephone: 724-8050 or online at http://www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION

B23-0989 Fair Wage Amendment Act of 2020

Intro. 10-28-2020 by Councilmembers Grosso, Cheh, Allen, Todd, Nadeau, and R. White and referred sequentially to the Committee on Labor and Workforce Development, and Committee on Judiciary and Public Safety

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PR23-1001 ABRA Technical Amendment Approval Resolution of 2020

Intro. 10-26-2020 by Chairman Mendelson and referred to the Committee on Business and Economic Development

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PR23-1002 District of Columbia Corrections Information Council Governing Board Katharine Aiken Huffman Reappointment Resolution of 2020

Intro. 11-02-2020 by Chairman Mendelson and referred to the Committee of the Whole

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PR23-1003 District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020

Intro. 11-02-2020 by Chairman Mendelson and referred to the Committee of the Whole

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PR23-1004 Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Joseph N. Onek Reappointment Resolution of 2020

Intro. 11-02-2020 by Chairman Mendelson and referred to the Committee of the Whole

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COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
&
COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION

ANNOUNCE A JOINT PUBLIC HEARING

on

B23-887, the "Expanding Student Access to Period Products Act of 2020;"

B23-0921, the "Education and Credit Continuity Amendment Act of 2020;"

and

B23-579, the "Selective Service Federal Benefits Awareness Amendment Act of 2019"

on

Tuesday, November 24, 2020 at 9:00 a.m.

Live via Zoom Video Conference Broadcast
Council Channel 13 (Cable Television Providers)
DC Council Website (www.dccouncil.us)
Office of Cable Television Website (entertainment.dc.gov)

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint public hearing of the Committee of the Whole and the Committee on Education on Bill 23-887, the "Expanding Student Access to Period Products Act of 2020," and Bill 23-579, the "Selective Service Federal Benefits Awareness Amendment Act of 2019." The hearing will be held at 9:00 a.m. on Tuesday, November 24, 2020 at 9:00 a.m. via Zoom video conference.

The stated purpose of Bill 23-887 is to require that District of Columbia Public Schools (DCPS) and public charter schools install and maintain dispensers for period products that are free for use in women's and gender-neutral bathrooms.

The stated purpose of Bill 23-579 is to require the Office of the State Superintendent of Education (OSSE) to create and implement a Selective Service awareness campaign in consultation with the District of Columbia Department of Motor Vehicles.

The stated purpose of Bill 23-0921 is to ensure smooth transitions, educational continuity, and credit accrual and transfers for 18 Students in the Care of the District of Columbia.

Those who wish to testify may sign-up online at *bit.do/EducationHearings* or call the Committee on Education at (202) 724-8061 by 5:00 p.m. on Thursday, November 19, 2020 and include your name, organizational affiliation (if any), and title. Persons wishing to testify are strongly encouraged, but not required, to submit a copy of their testimony via email the day before the hearing. Witnesses should limit their testimony to four minutes. The hearing will be limited to three hours. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements should be submitted by email to astrange@dccouncil.us. The record will close at 5:00 p.m. on Tuesday, December 8, 2020.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Education Committee of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled or alternatives may be offered.

COUNCIL OF THE DISTRICT OF COLUMBIA
EXCEPTED SERVICE APPOINTMENTS AS OF OCTOBER 31, 2020

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Allen, Brett	Special Assistant	9	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 23-1004, the "Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Joseph N. Onek Reappointment Resolution of 2020," to ensure the resolution can be considered at the as soon as possible. The proposed resolution was introduced on November 2, 2020. The abbreviated notice is necessary to allow the Council to consider the proposed resolution in a timely manner.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	November 6, 2020
Protest Petition Deadline:	January 11, 2021
Roll Call Hearing Date:	February 1, 2021
Protest Hearing Date:	April 7, 2021

License No.:	ABRA-117404
Licensee:	Treehouse 2473 LLC
Trade Name:	Air Restaurant
License Class:	Retailer's Class "C" Restaurant
Address:	2473 18th Street, N.W.
Contact:	Lyle M. Blanchard, Esq: (202) 452-1400

WARD 1 ANC 1C SMD 1C07

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 February 1, 2021 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 **April 7, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 120 and Total Occupancy Load of 355. Summer Garden with 25 seats. Requesting an Entertainment Endorsement that includes Dancing to provide live entertainment inside the premises only.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday and Thursday 5pm to 1:45am, Friday and Saturday 5pm – 2:45am (No entertainment Monday-Wednesday)

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-083074 **License Class/Type: B / Retail - Grocery**

Applicant: Ambi, Inc

Trade Name: Quality Convenience Store

ANC: 8C03

Has applied for the renewal of an alcoholic beverage license at the premises:

2922 1/2 MARTIN LUTHER KING JR AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

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	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-089932 **License Class/Type: B / Retail - Grocery**

Applicant: Addis Incorporated

Trade Name: King Convenience Store

ANC: 8A05

Has applied for the renewal of an alcoholic beverage license at the premises:

1535 U ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-098356 **License Class/Type: B / Retail-Full Service Grocery**

Applicant: Chef AmyB LLC

Trade Name: Centrolina

ANC: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

974 Palmer AL NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6am - 12:30am	7am - 12am
Monday:	6am - 12:30am	7am - 12am
Tuesday:	6am - 12:30am	7am - 12am
Wednesday:	6am - 12:30am	7am - 12am
Thursday:	6am - 12:30am	7am - 12am
Friday:	6am - 12:30am	7am - 12am
Saturday:	6am - 12:30am	7am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-105822 **License Class/Type: B / Retail - Class B**

Applicant: Fana, Inc

Trade Name: Mudrick's Supermarket

ANC: 5D07

Has applied for the renewal of an alcoholic beverage license at the premises:

1064 BLADENSBURG RD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

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 - 8 pm	9 am - 8 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-108872 **License Class/Type: B / Retail - Grocery**

Applicant: BNG Corp

Trade Name: Good Hope Deli & Market

ANC: 8A02

Has applied for the renewal of an alcoholic beverage license at the premises:

1736 Good Hope RD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 6 pm	10am - 6pm
Monday:	7 am - 8 pm	7am - 8pm
Tuesday:	7 am - 8 pm	7 am - 8pm
Wednesday:	7 am - 8 pm	7am - 8 pm
Thursday:	7 am - 8 pm	7am - 8 pm
Friday:	7 am - 9pm	7 am - 9 pm
Saturday:	9 am - 9 pm	9 am - 9 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-111948 **License Class/Type: B / 25 Percent**

Applicant: MHF Noma Operating IV LLC

Trade Name: Hilton Garden Inn-DC/U.S. Capitol

ANC: 6C06

Has applied for the renewal of an alcoholic beverage license at the premises:

1225 First ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 hrs - 24 hrs	9 am - :12 am
Monday:	24 hrs - 24 hrs	9 am - :12 am
Tuesday:	24 hrs - 24 hrs	9 am - :12 am
Wednesday:	24 hrs - 24 hrs	9 am - :12 am
Thursday:	24 hrs - 24 hrs	9 am - :12 am
Friday:	24 hrs - 24 hrs	9 am - :12 am
Saturday:	24 hrs - :24 hrs	9 am - :12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-113353 **License Class/Type: B / Retail-Full Service Grocery**

Applicant: Grand Cata Concept, LLC

Trade Name: Grand Cata at La Cosecha

ANC: 5D01

Has applied for the renewal of an alcoholic beverage license at the premises:

1280 4 ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

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 - 1 am	9 am - 12 am
Monday:	9 am - 1 am	9 am - 12 am
Tuesday:	9 am - 1 am	9 am - 12 am
Wednesday:	9 am - 1 am	9 am - 12 am
Thursday:	9 am - 1 am	9 am - 12 am
Friday:	9 am - 1 am	9 am - 12 am
Saturday:	9 am - 1 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-113420 **License Class/Type: B / Retail - Class B**

Applicant: JLAA, Inc.

Trade Name: Menick's Market

ANC: 7C01

Has applied for the renewal of an alcoholic beverage license at the premises:

4401 Nannie Helen Burroughs AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

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 - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-113576 **License Class/Type: B / Retail-Class B**

Applicant: Wi Mila, Inc.

Trade Name: New Seven Market

ANC: 8A05

Has applied for the renewal of an alcoholic beverage license at the premises:

1406 GOOD HOPE RD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-114712 **License Class/Type: B / Retail - Grocery**

Applicant: Dellomar, LLC

Trade Name: Midnight Delicatessen

ANC: 4D06

Has applied for the renewal of an alcoholic beverage license at the premises:

4701 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 10 pm	10 am - 10 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/6/2020

Notice is hereby given that:

License Number: ABRA-116836 **License Class/Type: B / Retail - Grocery**

Applicant: Yang Market DC, LLC

Trade Name: Yang's Market

ANC: 5E07

Has applied for the renewal of an alcoholic beverage license at the premises:

138 U ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/11/2021

A HEARING WILL BE HELD ON:
2/1/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9:30 pm	9 am - 9 pm
Monday:	8 am - 9:30 pm	9 am - 9 pm
Tuesday:	8 am - 9:30 pm	9 am - 9 pm
Wednesday:	8 am - 9:30 pm	9 am - 9 pm
Thursday:	8 am - 9:30 pm	9 am - 9 pm
Friday:	8 am - 9:30 pm	9 am - 9 pm
Saturday:	8 am - 9:30 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/30/2020

****RESCIND**

Notice is hereby given that:

License Number: ABRA-117009 **License Class/Type: B / Wholesaler**

Applicant: Ikavina Wine and Spirits, LLC

Trade Name: Ikavina Wine and Spirits, LLC

ANC: 3F02

Has applied for the renewal of an alcoholic beverage license at the premises:

4221 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
1/4/2021

A HEARING WILL BE HELD ON:
1/19/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	10am - 7pm	10am - 7pm
Tuesday:	10am - 7pm	10am - 7pm
Wednesday:	10am - 7pm	10am - 7pm
Thursday:	10am - 7pm	10am - 7pm
Friday:	10am - 7pm	10am - 7pm
Saturday:	10am - 7pm	10am - 7pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	November 6, 2020
Protest Petition Deadline:	January 11, 2021
Roll Call Hearing Date:	February 1, 2021
Protest Hearing Date:	April 7, 2021

License No.:	ABRA-117396
Licensee:	CCMH Metro Center, LLC
Trade Name:	Marriott at Metro Center
License Class:	Retailer's Class "B" (25%)
Address:	775 12th Street, N.W.
Contact:	Stephen J. O'Brien, Esq.: (202) 625-7700

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 February 1, 2021 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 **April 7, 2021 at 1:30 p.m.**

NATURE OF OPERATION

Applicant is applying for a new Retailer's Class B (25%) beer and wine store license located entirely inside of a hotel. This location will have no street access.

HOURS OF OPERATION

Sunday through Saturday 12am – 12am (24-Hour Operations)

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINSITRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	November 6, 2020
Protest Petition Deadline:	January 11, 2021
Roll Call Hearing Date:	February 1, 2021
License No.	ABRA-105822
Licensee:	Fana, Inc
Trade Name:	Mudrick's Supermarket
License Class:	Retailer's Class "B"
Address:	1064 Bladensburg Road, N.E.
Contact:	Kevin Lee, Esq.: (703) 941-3133

WARD: 5 ANC: 5D SMD: 5D07

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend the Settlement Agreement, dated March 10, 2009 that is currently attached to its license. The licensee is requesting to change paragraph 3 (Hours of Operation for Sales of Alcohol) of the settlement agreement.

The parties to the settlement agreement are: Man, Inc. t/a Mudrick's Supermarket (Applicant) and Advisory Neighborhood Commission 5B (Protestant).

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Deadline.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	November 6, 2020
Protest Petition Deadline:	January 11, 2021
Roll Call Hearing Date:	February 1, 2021
Protest Hearing Date:	April 7, 2021

License No.:	ABRA-117402
Licensee:	Bushwood LLC
Trade Name:	Surfside
License Class:	Retailer's Class "C" Restaurant
Address:	33 District Square, S.W.
Contact:	Sidon Yohannes, Esq.: (202) 686-7600

WARD 6 ANC 6D SMD 6D04

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 February 1, 2021 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 **April 7, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 16 and Total Occupancy Load of 30. Sidewalk Café with 8 seats.

HOURS OF OPERATION FOR INSIDE PREMISES AND OUTSIDE IN SIDEWALK CAFÉ

Sunday through Saturday 12am – 12am (24-hour operations)

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SIDEWALK CAFÉ

Sunday through Saturday 10am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	November 6, 2020
Protest Petition Deadline:	January 11, 2021
Roll Call Hearing Date:	February 1, 2021

License No.:	ABRA-022105
Licensee:	Red River Grill, LLC
Trade Name:	Union Pub
License Class:	Retailer's Class "C" Restaurant
Address:	201 Massachusetts Avenue, N.E.
Contact:	Matthew Weiss: (202) 546-7200

WARD 6 ANC 6C SMD 6C02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on February 1, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE
Licensee is requesting to add a Game of Skill endorsement to their operations, offering the Dragon's Ascent electronic game with up to 3 consoles.

CURRENT HOURS OF OPERATION INSIDE OF THE PREMISES
Sunday through Thursday 9am – 2am, Friday and Saturday 9am – 3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 9am – 1:30am, Friday and Saturday 9am – 2:30am

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR THE OUTDOOR SIDEWALK CAFE
Saturday and Sunday 10am – 12:30am, Monday through Friday 11am – 12:30am

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 21-01: A. Loffler Provisions Company
3701 Benning Road NE
Square 5044, Lot 807
Affected Advisory Neighborhood Commission: 7F

The hearing will take place at **9:00 a.m. on Thursday, December 3, 2020**, a continuation of the originally scheduled November 19 hearing. If in-person meetings have been restored, the hearing will take place at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. Given the likelihood of continued online meetings, details for participation will be posted here: https://planning.dc.gov/node/1176060

The hearing will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 21-40: Annie's Paramount Steakhouse
1519 17th Street NW (Square 180, Lot 22) and
1609-11 17th Street NW (Square 179, Lot 111)
Applicant: D.C. Preservation league
Affected Advisory Neighborhood Commission: 2B

The hearing will take place at **9:00 a.m. on Thursday, December 17, 2020**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

A copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. It is posted on the office website at https://planning.dc.gov/page/pending-nominations-dc-inventory. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies

allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JANUARY 13, 2021
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 SIX

20281
ANC 6D

Application of Square 737 LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the Downtown-use requirements of Subtitle I § 303.1(i), to permit a veterinary boarding hospital use on the first floor of an existing mixed-use building in the D-5 Zone at premises 150 I Street, S.E. (Square 737, Lot 828).

WARD ONE

20344
ANC 1D

Application of Julie Straus Harris and Adam Harris, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the maximum lot occupancy of Subtitle E § 304.1, to construct a partial third story addition, and a two-story rear addition, to an existing attached principal dwelling unit in the RF-1 Zone at premises 1768 Kilbourne Place, NW (Square 2600, Lot 90).

WARD FOUR

20349
ANC 4C

Application of Adrian Dungan and Nicole Aga, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert an existing semi-detached, principal dwelling unit into a four-unit apartment house in the RF-1 Zone, at premises 423 Quincy Street, NW (Square 3236, Lot 63).

WARD SEVEN

20350
ANC 7F

Application for Mary's House for Older Adults, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9 for special exceptions under the use provisions of Subtitle U § 203.1(g), under Subtitle D § 5201 from the lot occupancy requirement of Subtitle D § 304.2, the side yard requirement of Subtitle D § 307.4, and pursuant to Subtitle X, Chapter 10, for an area variance from the driveway width requirements of Subtitle C § 711.6, and the use requirements of Subtitle U § 203.1(g)(2), to replace an existing principal dwelling unit with a continuing care retirement community for 15 individuals in the R-3 Zone at premises 401 Anacostia Road, SE (Parcel 0203/0009).

WARD TWO

20351
ANC 2A

Application of William H. Cowdrick, Trustee, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, under Subtitle D § 5201 from the side yard requirements of Subtitle D § 5105.1, the alley centerline setback requirements of Subtitle D § 5106.1, the minimum pervious surface requirements of Subtitle D § 5107.1, and pursuant to Subtitle X, Chapter 10, for an area variance from the alley lot height requirements of Subtitle D § 5102.1, to construct a new, semi-detached principal dwelling unit on a vacant lot in the R-17 Zone, at premises bounded by 25th Street N.W., K Street N.W., 24th Street N.W. and Snows Court N.W. (Square 28, Lot 905).

WARD FOUR

20353
ANC 4C

Application of 1307 Longfellow Street NW, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9 for a special exception under the use provisions of Subtitle U § 421.1, to raze the existing principal dwelling and construct a 13-unit apartment building in the RA-1 Zone at premises 1307 Longfellow Street, NW (Square 2798, Lot 816).

WARD FIVE

20354
ANC 5C

Application of Cambridge Holdings, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development requirements of Subtitle U § 421.1 to raze the existing principal dwelling unit, and to construct two new apartment houses with a total of 20 units in the RA-1 Zone at premises 2400-2402 20th Street, NE (Square 4112E, Lots 10 and 11).

WARD FIVE

20358
ANC 5E

Application of Abraham Atansuyi, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under residential conversion requirements of Subtitle U § 320.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the residential conversion requirements of Subtitle U § 320.2(d), to convert an existing flat into a 3-unit apartment house in the RF-1 Zone at premises 71 New York Avenue, NW (Square 618, Lot 70).

WARD FIVE

20392
ANC 5E

Application of Lamond-Riggs D.C. Public Library, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2, from the minimum parking requirements of Subtitle C § 701.5, and under Subtitle C 1610.2, from the lot occupancy requirements of Subtitle C 1603.4, to raze the existing public library building and to construct a new, detached, two-story public library building in the R-2 Zone at premises 5401 South Dakota Avenue, N.E. (Square 3761, Lot 804).

PLEASE NOTE:
This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/ or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzasubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

Do you need assistance to participate?

**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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese
您需要有人帮助参加活动吗？
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French
Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean
참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish
¿Necesita ayuda para participar?
Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, 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, January 25, 2021, @ 4:00 p.m.**
WebEx or Telephone -Instructions will be provided on the OZ website by Noon of the Hearing Date[1]

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 20-08 (Howard University – 2020-2030 Central Campus Plan)

THIS CASE IS OF INTEREST TO ANC 1B

Howard University, (the "Applicant") filed an application (the "Application") on April 1, 2020, requesting review and approval by the Zoning Commission for the District of Columbia (the "Commission") of its 2020-2030 Campus Plan pursuant to Subtitle X, Chapter 3, and Subtitle Z, Section 302, of 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) for the following properties centered around Georgia Avenue and Howard Place N.W.:

Sq. 0330, Lot 800;
Sq. 2872, Lots 266, 267, 268, 269, 270, 217, 275, 803, 820, 822, 823, & 824;
Sq. 2873, Lots 1109 & 1110;
Sq. 2877, Lots 930 & 933;
Sq. 2882, Lots 950, 951, 952, 953, & 1037;
Sq. 2885, Lot 889;
Sq. 3055, Lots 15 & 821;
Sq. 3057, Lot 92;
Sq. 3058, Lots 834 & 835;
Sq. 3060, Lots 41, 830 & 839;
Sq. 3063, Lot 801;
Sq. 3064, Lots 44, 45, 826 & 837;
Sq. 3065, Lots 33, 36, 829, 830, 831 & 0833;
Sq. 3068, Lots 809 & 810;
Sq. 3069, Lots 65 & 66;
Sq. 3072, Lots 52 & 818;
Sq. 3074, Lot 11;
Sq. 3075, Lot 807;
Sq. 3080, Lot 73; and
Sq. 3094, Lot 800) (the "Property").

The Property spans numerous zone districts including the RA-2, RA-5, MU-2, MU-4, PDR-2 and PDR-3 zones. The Property is located within the boundaries of ANC-1B.

[1] Anyone who wishes to participate in this case but cannot do so via WebEx or telephone may submit written comments to the record (See p. 2, *How to participate as a witness - written statements).*

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the *D.C. Register* on October 30, 2020.

How to participate as a witness - oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **required that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public 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**, provided that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing**. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 - Party Status Application, a copy of which may be downloaded from OZ's website at: https://app.dcoz.dc.gov/Help/Forms.html.**

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL -- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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Quí vị có cần trợ giúp gì để tham gia không? Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: **Monday, December 21, 2020, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date[1]

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-19 (Office of Planning - Text Amendment to Subtitles B, D, E, and F for Accessory Building Requirements)

THIS CASE IS OF INTEREST TO ALL ANCs

On September 4, 2020, the Office of Planning ("OP") filed a petition to the Zoning Commission (the "Commission") proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

- Subtitle B, Definitions, Rules of Measurement, and Use Categories - §§ 100.2, 307.8, 308.9
- Subtitle D, Residential House (R) Zones - §§ 1209, 5000-5007
- Subtitle E, Residential Flat (RF) Zones - §§ 5000-5007
- Subtitle F, Residential Apartment (RA) Zones - §§ 5000-5005

OP proposed the text amendment to clarify and provide consistency in the regulations governing accessory buildings across zones.

At its September 14, 2020 public meeting, the Commission voted to grant OP's request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The complete record in the case can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in **~~bold and strikethrough~~** text; new text is shown in **bold and underline** text).

[1] Anyone who wishes to participate in this case but cannot do so via WebEx or telephone, may submit written comments to the record. (See p. 12, *How to participate as a witness – written statements*.)

I. Proposed Amendment to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be revised to add a new definition of "Shed" to read as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

…[2]

Sexually-Oriented Business Establishment: An establishment …

Shed: An accessory building, not used for habitable or automobile purposes, that does not exceed 50 square feet (50 sq. ft.) in area and is less than 10 feet (10 ft.) in overall height.

Short-Term Rental: A use as defined by the Short-Term Rental Regulation Act …

…

A new §§ 308.9 is proposed to be added to § 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, of Chapter 3, GENERAL RULES OF MEASUREMENT, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, to read as follows:

308.9 The building height of accessory buildings shall be measured from the finished grade at the middle of the side of the accessory building that faces the ~~main~~ principal building to the highest point of the roof of the building.

II. Proposed Amendment to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

Section 1209, ACCESSORY BUILDINGS, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be revised by amending §§ 1209.1 and 1209.3 through 1209.4, by deleting § 1209.5, and by adding a new § 1209.5, to read as follows:

1209.1 Accessory buildings ~~in the~~ **shall be permitted within an** R-19 ~~and~~ **or** R-20 ~~zones shall be~~ **zone** subject to the ~~development regulations~~ **conditions** of this section.

1209.2 ~~The~~ **Except for a shed, an** accessory building shall be located facing an alley, or private alley to which the owner has access by an easement recorded with the

[2] 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.

Recorder of Deeds, and shall be set back a maximum of five feet (5 ft.) from the rear property line or a line perpendicular to the façade of the principal building.

1209.3 In the R-19 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of twenty**-two** feet (~~**20**~~ **22** ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of two (2) stories.

1209.4 In the R-20 zone, an accessory building within five feet (5 ft.) of a public or private vehicular alley may have a maximum height of ~~**fifteen**~~ **twenty-two** feet (~~**15**~~ **22** ft.), a maximum building area of four hundred and fifty square feet (450 sq. ft.) and a maximum number of ~~**one (1) story**~~ **two (2) stories**.

~~**1209.5 In the R-19 and R-20 zones, an accessory building on a property that is not adjacent to a public or private vehicular alley or that is more than five feet (5 ft.) from a public or private vehicular alley may have a maximum height of ten feet (10 ft.) and a maximum building area of one hundred square feet (100 sq. ft.).**~~

1209.5 In the R-19 and R-20 zones, a shed may be permitted in a required rear or side yard provided it is at least five feet (5 ft.) from a public or private vehicular alley.

1209.6 Roof decks …

Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R ZONES, of Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is proposed to be revised by revising various §§, deleting §§ 5000.4, 5003, and 5004, and renumbering, to read as follows:

5000 GENERAL PROVISIONS

5000.1 Accessory buildings ~~**may**~~ **shall** be permitted within an R zone subject to the conditions of this section.

5000.2 An accessory building shall ~~be~~**:**

(a) Be subordinate to and located on the same lot as the ~~**principal**~~ building~~,~~ **to which it is accessory; provided, that an accessory building may contain a parking space accessory to, and required for, a use on another lot where specifically permitted under other provisions of this title;**

(b) ~~**and shall be**~~ **Be** used for purposes ~~**that**~~ **which** are incidental to the use of the principal building**, provided that no more than one (1) accessory apartment shall be allowed;**

(c) Be secondary in size compared to the principal building;

(d) Be constructed after the construction of a principal building on the same lot; and

(e) Not be constructed in front of the principal building.

5000.3 An accessory building shall be ~~**secondary in size compared to the principal building**~~ **included in the calculation of lot occupancy**~~,~~ and shall comply with all ~~**required**~~ yards **required** for accessory buildings ~~**based on**~~ **in** the zone ~~**in which they are located**~~.

~~**5000.4 Notwithstanding Subtitle D § 5000.3, an accessory building shall not be located in the front yard of a lot in an R zone developed with a residential building.**~~

~~**5000.5**~~ **5000.4** A private garage permitted in an R zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within ~~**twelve**~~ **seven and one-half** (~~**12**~~ **7.5** ft.) of the ~~**center line**~~ **centerline** of the alley upon which it opens.

5001 DEVELOPMENT STANDARDS

5001.1 The bulk of accessory buildings in the R zones shall be controlled through the development standards in Subtitle D §§ 5002 through 5006.

5002 HEIGHT

5002.1 The maximum height of an accessory building in an R zone shall be two (2) stories and twenty**-two** feet (~~**20**~~ **22** ft.)~~**, including the penthouse. The height of an accessory building permitted by this section shall be measured from the finished grade at the middle of the side of the accessory building that faces the main building to the highest point of the roof of the building**~~.

~~**5003 LOT OCCUPANCY**~~

~~**5003.1 An accessory building in an R zone as a principal use on a lot other than an alley lot shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy of the zone in which the lot is located.**~~

~~**5006**~~ **5003 MAXIMUM BUILDING AREA**

~~**5006.1**~~ **5003.1** The maximum building area for an accessory building in an R zone shall be the greater of thirty percent (30%) of the required rear yard or four hundred and fifty square feet (450 sq. ft.).

5004 REAR YARD

5004.1 An accessory building ~~**in an R zone**~~ **other than a shed** may be located within a rear yard **in an R zone** provided~~**, where abutting an alley,**~~ **that the accessory building is:**

(a) Not in a required rear yard; and

(b) ~~**it shall be set**~~ **Set** back at least ~~**twelve**~~ **seven and one-half** feet (~~**12**~~ **7.5** ft.) from the ~~**center line**~~ **centerline** of ~~**the**~~ **any** alley.

5004.2 A shed may be located within a required rear yard of a principal building.

5005 SIDE YARD

5005.1 ~~**No minimum side yard is required for an**~~ **An** accessory building ~~**in a R zone, other than a shed unless the accessory building is**~~ **may be** located ~~**beside the principal building, whereby it shall be**~~ **in a side yard in a R zone, provided that it is** removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

5005.2 A shed may be located within a required side yard of a principal building.

~~**5006 [RESERVED]**~~

~~**5007**~~ **5006 SPECIAL EXCEPTION**

~~**5007.1**~~ **5006.1** Exceptions to the development standards of this chapter shall be permitted ~~**as a special exception**~~ if approved by the Board of Zoning Adjustment **as a special exception** under Subtitle X, Chapter 9**,** and subject to the provisions and limitations of Subtitle D § 5201.

III. Proposed Amendment to Subtitle E, RESIDENTIAL FLATS (RF) ZONES

Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, of Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is proposed to be revised to read as follows:

5000 GENERAL PROVISIONS

5000.1 Accessory buildings shall be permitted within an RF zone subject to the ~~**following**~~ conditions~~:~~ **of this section.**

5000.2 ~~**(a)**~~ An accessory building shall ~~**be:**~~

(a) **Be** subordinate to and located on the same lot as the building to which it is accessory; provided, that **an accessory building may contain a** ~~**required accessory**~~ parking space ~~**may be permitted**~~ **accessory to, and required for, a use** on another lot**,** where specifically permitted under other provisions of this title;

(b) ~~**An accessory building shall be**~~ **Be** used for purposes ~~**that**~~ **which** are incidental to the use of the principal building ~~**but may house**~~ **provided that no more than one (1) accessory apartment shall be allowed;**

(c) Be secondary in size compared to the principal building;

~~**(c)**~~ **(d)** ~~**An accessory building shall not be**~~ **Be** constructed ~~**prior to a**~~ **after the construction of the** principal building ~~**on the same lot**~~; and

~~**(d)**~~ **(e)** ~~**An accessory building shall not**~~ **Not** be constructed in front of the principal building.

5000.2 ~~**The**~~ **An** accessory ~~**buildings**~~ **building** shall be ~~**secondary in size compared to the principal building. and shall be considered within the**~~ **included in the calculation of** lot occupancy, pervious surface**, and** as applicable, the floor area ratio **(FAR)** of the RF zones**, and shall comply with all required yards for accessory buildings in the zone**.

~~**5000.4 Notwithstanding Subtitle D § 5000.3, an accessory building shall not be located in the front yard of a lot in an R zone developed with a residential building.**~~

~~**5000.5**~~ **5000.3** A private garage permitted in an RF zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within ~~**twelve**~~ **seven and one-half** (~~**12**~~ **7.5** ft.) of the ~~**center line**~~ **centerline** of the alley upon which it opens.

5001 DEVELOPMENT STANDARDS

5001.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5002 through 5006.

5002 HEIGHT

5002.1 The maximum height of an accessory building in an RF zone shall be twenty**-two** feet (~~**20**~~ **22** ft.) and two (2) stories~~**, including the penthouse**~~.

5003 ~~LOT OCCUPANCY~~ BUILDING AREA

5003.1 The maximum ~~**lot occupancy**~~ **building area** for an accessory building in an RF zone shall be the greater of thirty percent (30%) of the required rear yard or four-hundred and fifty square feet (450 sq. ft.).

5004 REAR YARD

5004.1 ~~**No minimum rear yard is required for an**~~ **An** accessory building **other than a shed may be located within a rear yard** in an RF zone **provided that the accessory building is:**

(a) Not in a required rear yard; and

(b) ~~except when abutting an alley, where it shall be set~~ Set back at least ~~**twelve**~~ **seven and one-half** feet (~~**12**~~ **7.5** ft.) from the ~~**center line**~~ **centerline** of ~~**the**~~ **any** alley.

~~**5004.2 An accessory building shall be permitted in a required rear yard of a principal building pursuant to the following conditions:**~~

~~**(a) The accessory building is less than ten feet (10 ft.) in height; and**~~

~~**(b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area.**~~

~~**5004.3 If the required rear yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be set back at least twelve feet (12 ft.) from the center line of the alley.**~~

5004.2 A shed may be located within a required rear yard of a principal building.

5005 SIDE YARD

5005.1 ~~**No minimum side yard is required for an**~~ **An** accessory building **other than a shed may be located within a side yard** in an RF zone **provided that the accessory building is**

~~**5005.2 An accessory building shall be permitted in a required side yard of a principal building pursuant to the following conditions:**~~

~~**(a) The accessory building is less than ten feet (10 ft.) in height;**~~

~~**(b) The accessory building is less than one hundred square feet (100 sq. ft.) in gross floor area; and**~~

~~(c) If the required side yard of the principal building in which the accessory building will be placed abuts an alley, the accessory building shall be~~ **set** back at least ~~twelve~~ **seven and one-half** feet (~~12~~ **7.5** ft.) from the ~~center line~~ **centerline** of ~~the~~ **any** alley.

5004.2 A shed may be located within a required side yard of a principal building.

~~**5006 MISCELLANEOUS [RESERVED]**~~

~~**5006.1 The development standards that permit the following uses are located in Subtitle U, Chapter 3:**~~

~~**(a) A permitted principal dwelling unit in an RF zone within an accessory building; and**~~

~~**(b) A private vehicle garage that is an accessory building in an RF zone.**~~

~~5007~~ 5006 SPECIAL EXCEPTION

~~5007.1~~ 5006.1 Exceptions to the development standards of this chapter shall be permitted ~~as a special exception~~ if approved by the Board of Zoning Adjustment **as a special exception** under Subtitle X, Chapter 9**,** and subject to the provisions and limitations of Subtitle E §**§** 5201.

IV. Proposed Amendment to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

The title of Chapter 50, ACCESSORY BUILDING REGULATIONS (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be revised to read as follows:

CHAPTER 50 ACCESSORY BUILDING REGULATIONS FOR ~~(~~RA~~)~~ ZONES

Chapter 50, ACCESSORY BUILDING REGULATIONS FOR (RA) ZONES, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is proposed to be revised to read as follows:

5000 GENERAL PROVISIONS

5000.1 Accessory buildings shall be permitted within an RA zone subject to the ~~following~~ conditions~~:~~ **of this section.**

5000.2 ~~(a) The~~ An accessory building ~~is~~ **shall:**

(a) Be subordinate to and located on the same lot as the building to which it is accessory; provided, that **an accessory building may contain a ~~required accessory~~** parking space ~~may be permitted~~ **accessory to, and required for, a use** on another lot**,** where specifically permitted under other provisions of this title;

(b) ~~An accessory building shall be~~ **Be** used for purposes ~~that~~ **which** are incidental to the use of the principal building; and

(c) Be secondary in size compared to the principal building;

~~(c)~~ **(d)** ~~An accessory building shall not be~~ **Be** constructed ~~prior to~~ **after the construction of** a principal building on the same lot~~.~~**; and**

(e) Be constructed behind the principal building.

~~5000.2~~ **5000.3** ~~The~~ **An** accessory ~~buildings~~ **building** shall be ~~secondary in size compared to the principal building. and shall be considered with the~~ **included in the calculation of** lot occupancy**, Green Area Ratio (GAR), and as applicable, the floor area ratio (FAR) of the RA zones;** and shall comply with all ~~required~~ yards **required** for accessory buildings ~~based on~~ **in** the zone ~~in which it is located~~.

5000.4 A private garage permitted in an RA zone as a principal use on a lot other than an alley lot, shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within seven and one-half (7.5 ft.) of the centerline of the alley upon which it opens.

5001 DEVELOPMENT STANDARDS ~~FOR ACCESSORY BUILDINGS~~

5001.1 The bulk of accessory buildings in the RA zones shall be controlled through the development standards in Subtitle F §§ 5001 through 5004.

5002 HEIGHT

5002.1 The maximum permitted height for an accessory building shall be twenty**-two** feet (~~20~~ **22** ft.) and two (2) stories.

5003 REAR YARD

5003.1 ~~No rear yard shall be required for an~~ **An** accessory building **other than a shed may be located within a rear yard in an RA zone provided that it is:**

(a) Not in a required rear yard; and

(b) ~~except where abutting an alley a minimum rear yard of~~ **Set back at least** ~~twelve~~ **seven and one-half** feet (~~12~~ **7.5** ft.) from the ~~center line~~ **centerline** of ~~the~~ **any** alley.

5003.2 A shed may be located in a required rear yard of a principal building.

~~**5004 MISCELLANEOUS**~~

~~**5004.1 The lot upon which a private garage is located shall be exempt from the requirements for minimum lot dimensions, but shall be subject to the limitation on percentage of lot occupancy.**~~

~~**5004.2 Accessory buildings on any lot shall be included in the maximum lot occupancy and GAR requirements and if applicable, the FAR, as listed and conditioned in this subtitle and the development standards of the penthouse regulations in Subtitle C, Chapter 15.**~~

~~**5004.3 A private garage that is an accessory building in an RA zone:**~~

~~**(a) May be located either within a rear yard or beside the main building; provided, if the garage is located beside the main building, it shall be removed from the side lot line a distance equal to the required side yard and from all building lines a distance of not less than ten foot (10 ft.) and**~~

~~**(a) Where abutting an alley, it shall be set back at least twelve feet (12 ft.) from the center line of the alley.**~~

~~**5004.4 A private garage permitted in an RA zone as a principal use on a lot other than an alley lot shall open directly onto an alley, and shall not be located within fifty feet (50 ft.) of the front building line or within twelve feet (12 ft.) of the center line of an alley.**~~

5004 SIDE YARD

5004.1 An accessory building other than a shed may be located in a side yard in an RA zone provided that the accessory building is removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

5004.2 A shed may be located in a required side yard of a principal building.

5005 SPECIAL EXCEPTION

5005.1 Exceptions to the development standards of this chapter shall be permitted ~~**as a special exception**~~ if approved by the Board of Zoning Adjustment ~~**as a special exception**~~ under Subtitle X**, Chapter 9,** and subject to the provisions and limitations of Subtitle F § 5201.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq*. (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5, as well as the text adopted by the Commission on July 30, 2020, in Z.C. Case No. 20-11 as published in the Notice of (Second) Emergency and Proposed Rulemaking.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is **highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Organizations	5 minutes each
2.	Individuals	3 minutes each

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

"Great weight" to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗？如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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 Section 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. 20-10, issued by the Zoning Commission of the District of Columbia and published in the *D.C. Register* on October 16, 2020, at 67 DCR 11964, *et seq*.

The final rulemaking amended Subtitle U (Use Permissions) of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016).

Among other changes, the final rulemaking revised Subtitle U § 516.1 to reorder paragraphs alphabetically and correcting a cross-reference. The final rulemaking inadvertently suggested the removal of paragraph (h) allowing special exception relief for most uses allowed as a matter of right for MU-Use Group F but not meeting the matter of right conditions.

Therefore, the final rulemaking is corrected to amend Subtitle U § 516.1 to clarify that paragraph (h) is not to be deleted and correcting paragraphs (b) and (g) to reflect the alphabetical reordering, 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**~~):

Amendment to Subtitle U, USE PERMISSIONS

Subsection 516.1 of § 516, SPECIAL EXCEPTION USES (MU-GROUP F), of Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, USE PERMISSIONS, is amended by correcting the cross-reference to read as follows:

516.1 The following uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section:

(a) An Electronic Equipment Facility (EEF) …[1]

(b) Where not permitted as a matter of right, a gasoline service station to be established or enlarged … subject to the following conditions:

(1) The station shall not …

(2) The operation of the use …

[1] The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

(3) Required parking spaces may be arranged … without moving any other vehicle onto public space; ~~and~~

(c) Enlargement of an existing laundry or dry cleaning establishment …

(d) Where not permitted as a matter of right, any establishment that has as a principal use the administration of massages …

(e) Public utility pumping station …

(f) Retail, large format, subject to the conditions of Subtitle U § 511.1(h); and

(g) Sexually-oriented business establishment in the MU-9, MU-21, or MU-30 zone, subject to the following conditions:

(1) No portion of the establishment …

…

(7) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area; **and**

(h) Any use permitted as a matter of right in MU-Use Group F that does not comply with the required conditions for MU-Use Group F may apply for permissions as a special exception, except firearms retail sales establishments.

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 16, 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 4th Street, N.W., Suite 520S, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Electronics Stewardship Regulation Amendments

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2019 Supp.)); the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code §§ 8-1041.01 *et seq.* (2019 Supp.)); and Mayor's Order 2015-250, dated December 8, 2015, hereby gives notice of the adoption of the amendments to Chapter 41 (Electronics Stewardship) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 11, 2020 (67 DCR 010966) for a thirty (30) day public notice and comment period. The Department received two (2) sets of comments on this rulemaking, from the Reverse Logistics Group Americas (RLGA), and ViewSonic Corporation.

Reverse Logistics Group Americas submitted four (4) comments on this rulemaking. The first comment asked if a form should accompany the registration fee. The Department will create a template to calculate a registration fee and accompany the registration. The second comment asked the Department to state the date when collection data for representative organizations meeting the convenient collection service needed to be provided. The Department asks that a representative organization provide a collection data update no later than 30 days after the end of each quarter as part of the implementation plan, and requires that the total collection data for representative organizations be provided as part of the registration application, which is due by December 31st of each year. The third comment asked if public outreach and awareness activities guidance for representative organizations will be different from the previous year. Recommendations for public education on events and sites may change from year to year based on lessons learned. The fourth comment questions whether operating guidelines for permanent drop-off sites are applicable to collection events. Operating guidelines for permanent drop-off sites are not the same guidelines that apply to collection events; the guidelines for collection events can be found in the manufacturer guide on DOEE's website doee.dc.gov/ecycle.

ViewSonic Corporation submitted two (2) comments on this rulemaking. The first comment compared the annual increase for an individual manufacturer between the 2018 and 2019 registration fee to the proposed increase of the individual manufacturer's base fee, stating that it seemed like a large increase and asking that DOEE provide more details. The changes proposed to the registration fees are an increase in the base fees whereas the increase in the registration fee between program years referenced by ViewSonic are based on the Consumer Price Index (CPI) adjustment, authorized by the rulemaking to occur on an annual basis. The second comment asked that DOEE reconsider the increase of registration fees. The Department notes the comments of ViewSonic but the increase is in line with other state electronics program registration fees and is necessary to cover the costs of administering and enforcing the program.

No changes were made to the rules as proposed in response to the comments received or otherwise. These rules were adopted as final on October 19, 2020, and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 41, ELECTRONICS STEWARDSHIP, of Title 20, DCMR, ENVIRONMENT, is amended to read as follows:

Section 4102, REGISTRATION AND SHORTFALL FEES, is amended as follows:

By amending Subsection 4102.1 to read:

4102.1 Manufacturers, representative organizations, and partnership organizations shall include the following registration fee when submitting an annual registration application:

(a) For an individual manufacturer that sold at least one hundred (100) units but less than two hundred and fifty (250) units of covered electronic equipment in the District in the previous calendar year, the individual manufacturer's application for registration under D.C. Official Code § 8-1041.03 shall be accompanied by a registration fee of seven hundred and fifty dollars ($750);

(b) For an individual manufacturer that sold two hundred and fifty (250) or more units of covered electronic equipment in the District in the previous calendar year, the individual manufacturer's application for registration under D.C. Official Code § 8-1041.03 shall be accompanied by a registration fee of two thousand six hundred and fifty dollars ($2,650);

(c) A representative organization's application for registration under D.C. Official Code § 8-1041.03 shall be accompanied by a base registration fee of fifteen thousand dollars ($15,000) for the first registrant and an additional two thousand two hundred dollars ($2,200) for each additional manufacturer in the representative organization.

(d) A partnership's application for registration under D.C. Official Code § 8-1041.03 shall be accompanied by a registration fee of two thousand four hundred and fifty dollars ($2,450) for every manufacturer that sold two hundred and fifty or more units of covered electronic equipment in the District in the previous calendar year and seven hundred dollars ($700) for every manufacturer that sold at least one hundred (100) units but less than two hundred and fifty (250) units of covered electronic equipment in the District in the previous calendar year.

By amending Subsection 4102.3 to read:

4102.3 The Department shall adjust the fees in this section for inflation annually, using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics. To perform this adjustment, the Department shall increase each fee by the percentage, if any, by which the Urban Consumer Price Index for October of the calendar year exceeds the Urban Consumer Price Index for October of the previous calendar year. Each inflation adjustment shall be posted to the Department's website.

By adding Subsection 4102.5 to read:

4102.5 Representative organizations meeting the convenient collection service for District residents, small nonprofit organizations, and small businesses shall:

(a) Submit collection data to the Department, including weight of covered electronic equipment collected and the number of participating residents in permanent publicly accessible collection sites and collection events.

(b) Conduct public outreach and awareness activities, in keeping with each representative organization's implementation plan, for District residents to ensure that District residents are aware of the availability and location of collection sites and events.

(c) Follow the Department's operating guidelines for permanent drop-off sites.

By adding Section 4105, MODIFICATIONS TO APPLICATIONS, to read:

4105 MODIFICATION OF REGISTRATION APPLICATIONS

4105.1 A manufacturer or its partnership or representative organization may request a modification in an approved application.

4105.2 A request to modify an approved application shall be submitted by mail or electronic mail.

4105.3 The Department shall approve or disapprove the application modification following the procedures and timeline set forth in D.C. Official Code § 8-1041.03(d)(1). In determining whether to approve or disapprove the application modification, the Department shall consider the factors listed in D.C. Official Code § 8-1041.03(d)(2).

Section 4199, DEFINITIONS, is amended as follows:

By amending Subsection 4199.1 to read:

Minimum collection shares - the amount, in pounds, to be met or exceeded, of covered electronic equipment, as calculated under section D.C. Official Code § 8-1041.05(b)(1), that a manufacturer shall collect and recycle, or arrange to be collected and recycled or reused.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

Z.C. Case No. 19-26[1]
(Text Amendment – Subtitles C, G, K, X, and Z of Title 11 DCMR)
(To Clarify Requirements for Covenants Required by the Zoning Regulations)
April 27, 2020

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)) and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby gives notice of its amendment of the following provisions of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [Zoning Regulations], to which all references are made unless otherwise specified):

- Subtitle C (General Rules) §§ 903.6, 1001.6, 1006.6, and 1200.4;
- Subtitle G (Mixed Use (MU) Zones) § 410.1;
- Subtitle K (Special Purpose Zones) §§ 511.2, 602.6, and 902.5;
- Subtitle X (General Procedures) § 311.3; and
- Subtitle Z (Zoning Commission Rules of Practice and Procedure) § 702.1.

Description of Amendment
The text amendment revises the regulations to make the requirements for all covenants required by the Zoning Regulations consistent. Previously, some requirements for covenants specify that the District must be a party, and so requires the Mayor's signature, while other requirements specify that the covenant is "for the benefit of the District," which would not require the Mayor's signature. The text amendment requires that all required covenants run with the land and are reviewed and approved by the Zoning Administrator for technical sufficiency and by the Office of the Attorney General for legal sufficiency.

Procedures leading to adoption of the amendment
On November 8, 2019, the Office of Planning (OP) filed a report, which served as both a petition proposing text amendments to the Zoning Regulations and the pre-hearing report required by Subtitle Z § 400.6, in which OP recommended approval of the text amendment. At its November 18, 2019, publicly noticed public meeting, the Commission voted to set down the petition for a public hearing.

At its January 30, 2020, publicly noticed public hearing, the Commission heard testimony from OP in support of the text amendment. No other persons or entities testified or submitted responses to the record.

[1] For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 12-08C.

At the close of the public hearing, the Commission voted to take **PROPOSED ACTION** and authorized the publication of a notice of proposed rulemaking.

Proposed Action
VOTE (Jan. 30, 2020): 5-0-0 (Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

Notice of Proposed Rulemaking
The Commission published the proposed amendment as a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* at 67 DCR 1605, *et seq.* (February 14, 2020). No comments were received in the thirty- (30) day period required by § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968. (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.).)

National Capital Planning Commission ("NCPC")
The Commission referred the proposed amendment to the National Capital Planning Commission (NCPC) for the thirty- (30) day review period required by § 492 of the District Charter on February 4, 2020. NCPC did not respond within this thirty- (30) day review period.

"Great Weight" to the Recommendations of OP
The Commission must give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.); Subtitle Z § 405.8; *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds persuasive OP's recommendation that the Commission adopt the proposed text amendment and that it is not inconsistent with the Comprehensive Plan. The Commission therefore concurs in that judgment.

"Great Weight" to the Written Report of the ANCs
The Commission must give "great weight" to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

As no ANC filed a written report, there is nothing to which the Commission can give great weight.

At its public meeting on April 27, 2020, the Commission voted to take **FINAL ACTION** and authorized the publication of a notice of final rulemaking.

Final Action
VOTE (April 27, 2020): 5-0-0 (Peter A. Shapiro, Peter G. May, Anthony J. Hood, Robert E. Miller, and Michael G. Turnbull to **APPROVE**)

The following amendments to the text of the Zoning Regulations are hereby adopted:

I. Amendments to Subtitle C, GENERAL RULES

Paragraph (b) of § 903.6 of § 903, LOCATION RESTRICTIONS, of Chapter 9, LOADING, of Subtitle C, GENERAL RULES, is amended to read as follows:

903.6 Required loading berths may be provided in facilities designed to serve jointly two (2) or more adjoining buildings or structures on lots that share a party wall or lot line or are separated only by an alley within a single square; provided:

(a) The number of berths in the joint facilities shall not be less than that required for the total combined requirement in Subtitle C § 901.1; and

(b) A binding covenant running with the land for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, that ensures the joint use of the loading berths and entered into by all property owners concerned, shall be recorded in the land records of the District of Columbia for the affected properties. A certified true copy of the recorded covenant shall be filed …[2]

Subparagraph (a)(4) of § 1001.6 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is amended to read as follows:

1001.6 The requirements of this chapter shall not apply to:

(a) Any development subject to a mandatory affordable housing requirement that exceeds the requirements of this chapter as a result of District law or financial subsidies funded in whole or in part by the Federal or District Government and administered and/or monitored by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency (DCHFA), or the District of Columbia Housing Authority (DCHA); provided:

(1) The development shall set aside …

[2] The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the text at issue does not signify an intent to repeal those other provisions.

…

(4) The requirements set forth in subparagraphs (1), (2), and (3) of this paragraph, shall be stated as declarations within a covenant running with the land for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General; and

(5) The approved covenant shall be recorded …

(b) Boarding houses, community based institutional facilities …

Subsection 1006.6 of § 1006, OFF-SITE COMPLIANCE WITH INCLUSIONARY ZONING, of Chapter 10, INCLUSIONARY ZONING, of Subtitle C, GENERAL RULES, is amended to read as follows:

1006.6 No order granting off-site compliance shall become effective until a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, has been recorded in the land records of the District of Columbia by the owner of the off-site development for the benefit of the District of Columbia. A draft covenant, executed by the owner of the off-site property, shall be attached to an application for relief under this section.

Subsection 1200.4 of § 1200, GENERAL PROCEDURES, of Chapter 12, COMBINED LOT PROVISIONS, of Subtitle C, GENERAL RULES, is amended to read as follows:

1200.4 A covenant for the benefit of the District of Columbia, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, running with the land and applicable to all properties involved in the apportionment shall be executed by all of the owners of the properties prior to the issuance of any building permits. The covenant shall be for the purpose of ensuring that the aggregate residential and nonresidential floor area does not exceed the limits applicable to residential and nonresidential uses, or of bonus floor area if applicable.

II. Amendment to Subtitle G, MIXED USE (MU) ZONES

Paragraph (b) of § 410.1 of § 410, COMBINED LOT, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, is amended to read as follows:

410.1 The following combined lot development provision shall apply to the MU-10 zone only:

(a) The allowable residential …

(b) Prior to the issuance of any building permit, a covenant running with the land and applicable to all properties involved in the apportionment, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, shall be executed by all of the owners of the properties for the benefit of the District of Columbia. The covenant shall be for the purpose of ensuring that the aggregate residential and non-residential floor area does not exceed the limits applicable to residential and non-residential uses; and

(c) For the purposes of this section, ….

III. Amendments to Subtitle K, SPECIAL PURPOSE ZONES

A new paragraph (b) is added to § 511.2 of § 511, CERTIFICATION OF COMBINED LOT DEVELOPMENTS, of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, with current paragraphs (b) through (e) renumbered as new paragraphs (c) through (f), to read as follows:

511.2 The instrument shall be in the form of a declaration of covenants that:

(a) Is signed by the owners of all affected lots;

(b) Is for the benefit of the District of Columbia;

(c) Runs with the land …

(d) Burdens all lots …

(e) Binds the present …

(f) States the maximum ….

A new paragraph (b) is added to § 602.6 of § 602, DENSITY – FLOOR AREA RATIO (FAR) (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, of Subtitle K, SPECIAL PURPOSE ZONES, with current paragraphs (b) through (d) renumbered as new paragraphs (c) through (e), to read as follows:

602.6 The instrument shall be in the form of a declaration of covenants that:

(a) Is signed by the owners of all affected lots;

(b) Is for the benefit of the District of Columbia;

(c) Runs with the land …

(d) Burdens all lots …

(e) States the maximum ….

Paragraph (e) of § 902.5 of § 902, WR-2 ZONE, of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is amended to read as follows:

902.5 If less than 3.75 FAR is developed in Land Bay E, excess floor area can be transferred to Land Bay K.1 in the WR-3 zone, or Land Bay F in the WR-3 zone, or Land Bay D in the WR-2 zone, or a combination of those land bays, subject to the requirements of this subsection:

(a) No more than one hundred …

…

(e) Before the transfer may occur, the applicant shall record in the Land Records of the District of Columbia a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, for each property by the owner or owners for the benefit of the District of Columbia that states the size, in square feet, of Land Bays E, K.1, F, and D, the maximum FAR and non-residential FAR permitted as a matter of right for Land Bays E, K.1, F, and D, the total amount of floor area being transferred, the amount of non-residential floor area being transferred, and the resulting maximum FAR and nonresidential FAR for both Land Bays E, K.1, F, and D; and

(f) The applicant for any building permit …

IV. Amendment to Subtitle X, GENERAL PROCEDURES

Subsection 311.3 of § 311, IMPLEMENTATION, of Chapter 3, PLANNED UNIT DEVELOPMENTS, of Subtitle X, GENERAL PROCEDURES, is amended to read as follows:

311.3 The Zoning Administrator shall not approve a permit application unless the applicant has recorded a covenant running with the land found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, in the land records of the District of Columbia by the owner or owners for the benefit of the District of Columbia, which covenant will bind the owner and all

successors in title to construct on and use the property only in accordance with the adopted orders, or amendments thereof, of the Zoning Commission.

V. Amendment to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Subsection 702.10 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended to read as follows:

702.10 For PUD cases, the Zoning Administrator shall not approve a permit application unless the applicant has recorded a covenant running with the land, found technically sufficient by the Zoning Administrator and legally sufficient by the Office of the Attorney General, in the land records of the District of Columbia by the owner or owners for the benefit of the District of Columbia, which covenant will bind the owner and all successors in title to construct on and use the property only in accordance with the adopted orders, or amendments thereof, of the Zoning Commission.

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on November 6, 2020.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

RM36-2020-02-E, ELECTRICITY QUALITY OF STANDARDS

1. By this Public Notice, the Public Service Commission of the District of Columbia (Commission) informs interested persons of an extension of time to file comments in response to a Notice of Proposed Rulemaking (NOPR) published in this proceeding on October 9, 2020, in the *D.C. Register*.[1]

2. The proposed amendments to Chapter 36 (Electricity Quality of Service Standards), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations address Pepco's reliability performance standards established for System Average Interruption Frequency Index, a numeric measurement, and System Average Interruption Duration Index, measured in hours. Section 3603 (Reliability Performance Standards) amends these standards to prescribe further improvements in reliability and requires additional reporting. These standards also include provisions for the enforceability of the reliability performance standards. Section 3968 (Enforcement) has been added to clearly note the Commission's authority to issue civil penalties pursuant to the provisions of Title 34 of the District of Columbia Code, Sections 34-706(e)(1) and (4), for violations of the Commission's reliability performance standards.[2]

3. Through this Public Notice, the Commission extends the comment period from November 9, 2020, to December 18, 2020.

4. Any person interested in commenting on this proposed rulemaking action may submit written comments 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. Comments must be submitted electronically through the Commission's website at 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. Persons with questions concerning this Notice should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

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[1] 67 DCR 11709 (October 9, 2020).

[2] D.C. Official Code §§ 34-706(e)(1) and (4) (2019 Repl.).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC COMMENT PERIOD EXTENSION UNTIL NOVEMBER 24, 2020

RM41-2020-02, DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES,

1. By this Public Notice, the Public Service Commission of the District of Columbia (Commission) informs interested persons of an extension of time to file comments in response to a Notice of Proposed Rulemaking (NOPR) published in this proceeding on September 25, 2020, in the *D.C. Register*.[1]

2. The proposed amendments to Chapter 41 (District of Columbia Standard Offer Service (SOS) Rules), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations amend 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 power purchase agreements (PPA) 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. Through this Public Notice, the Commission extends the comment period from October 26, 2020, to November 24, 2020.

3. Any persons interested in commenting on this proposed rulemaking action may submit written comments 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. Comments must be submitted electronically through the Commission's website at 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. Persons with questions concerning this Notice should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

[1] 67 DCR 11244-11258 (September 25, 2020).

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 47-874 and 47-1335 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, gives notice of its intent to amend Chapter 3 (Real Property Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Section 316 direct how OTR is notified of various actions in connection with the tax sale, direct how information is submitted to OTR, and provide a new effective date for when these changes will go into effect. The proposed amendments to Sections 327, 328 and 329 make clarifying amendments regarding how forms are to be made available electronically by OTR.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.5, is amended to read as follows:

The existing Subsection (g) is designated as Subsection (g)(1).

A new Subsection (g)(2) is added to read as follows:

316.5

…

(g)

…

(2) Effective January 1, 2021, the documentation required in Subsection 316.5(f) shall be provided electronically to OTR using OTR's online portal at MyTax.DC.gov.

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.6(d), is amended to read as follows:

316.6

…

(d) The Tax Sale Purchaser's Bill shall include all tax, interest and penalty due and

owing on the real property for all real property tax periods becoming owed in tax years after the last tax year sold at the tax sale at which the tax sale purchaser purchased his or her lien, which have not been otherwise validly sold to another purchaser whose corresponding certificate of sale is still valid. No partial payment of any half tax year shall be permitted. A Tax Sale Purchaser's Bill may, at the request of the tax sale purchaser, also include any other periods owed for taxes to the extent such periods have not been validly sold.

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.7(e)(2), is amended to read as follows:

316.7

…

(e)

…

(2) Notwithstanding paragraph (1) of this subsection, and pursuant to Section 370, the tax sale purchaser shall notify OTR and the Real Property Tax Ombudsman of filing of the Complaint to Foreclose the Right of Redemption within thirty (30) days of the filing. Notice to OTR shall be provided electronically using OTR's online portal at MyTax.DC.gov. The notification shall contain as attachments copies of the complaint and certificate of sale. The tax sale purchaser should retain a copy of the submission confirmation generated by OTR's online portal. Notice to the Real Property Tax Ombudsman shall be by electronic mail to realpropertytax@dc.gov. The subject line of such electronic mail shall state: "Foreclosure Action Filed." This electronic mail shall also contain as attachments copies of the complaint and certificate of sale. The Real Property Tax Ombudsman shall provide a reply confirmation to the purchaser by electronic mail within five (5) business days of receipt of the tax sale purchaser's electronic mail.

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Section 316.11(e), is amended to add a new Subsection (e)(4) to read as follows:

316.11

…

(e)

…

(4) Effective January 1, 2021, the documentation required by this subsection shall be provided to OTR using OTR's online portal at MyTax.DC.gov.

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.11(f), is amended to add a new Subsection (f)(3) to read as follows:

316.11

…

(f)

…

(3) Notwithstanding paragraph (2) of this subsection, effective January 1, 2021, timely disclosure of the foregoing shall be made to OTR using OTR's online portal at MyTax.DC.gov.

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.12, is amended to read as follows:

316.12

(a) The assignee of the Certificate of Sale shall notify OTR's Tax Sale Unit via electronic mail at taxsale@dc.gov of the assignment within thirty (30) days from the assignment of the Certificate of Sale. The assigned Certificate of Sale must meet the following requirements:

(1) A written agreement, executed and acknowledged in the same manner as an absolute deed, that contains the assignee's name, address, telephone number and taxpayer identification number, notification of an assignment of the interest in the payment of other taxes and liabilities (subsequent taxes), and the legal identification of the property; and

(2) The notice of assignment must be signed and acknowledged by the parties agreeing to the assignment and recorded among the land records in the Recorder of Deeds to be effective as to any person not having actual notice.

Recording of the Certificate of Assignment with the Recorder of Deeds shall not constitute notice to OTR. Actual notice shall include a copy of the Certificate of Sale, and be sent to OTR. An assignee shall be compliant with D.C. Official Code § 47-1346(a)(5)[Clean Hands].

(b) Effective January 1, 2021, and in lieu of subsection (a) of this section, the assignor of the Certificate of Sale shall notify OTR's Tax Sale Unit of the assignment within thirty (30) days from the assignment of the Certificate of Sale. Such notice to OTR shall be provided electronically using OTR's online portal at MyTax.DC.gov. The assigned Certificate of Sale must meet the following requirements:

(1) A written agreement, executed and acknowledged in the same manner as an absolute deed, that contains the assignee's name, address, telephone number

and taxpayer identification number, notification of an assignment of the interest in the payment of other taxes and liabilities (subsequent taxes), and the legal identification of the property; and

(2) The notice of assignment must be signed and acknowledged by the parties agreeing to the assignment and recorded among the land records in the Recorder of Deeds to be effective as to any person not having actual notice.

(3) Recording of the Certificate of Assignment with the Recorder of Deeds shall not constitute notice to OTR. Actual notice shall include a copy of the Certificate of Sale and a copy of the recorded Assignment and be submitted to OTR using OTR's online portal as described in section (a) above. An assignee shall be compliant with D.C. Official Code § 47-1346(a)(5) [Clean Hands].

(c) At the time that OTR receives notice of the Assignment of the Certificate of Sale, the assignee of the Certificate of Sale shall submit a completed "Compliance Certification for Tax Sale Assignees."

(d) If an assignee of the Certificate of Sale shall be found in violation of D.C. Official Code § 47-1346(a)(5), the assignee shall forfeit at the discretion of OTR all monies paid for the Certificate of Sale and any monies paid toward the subsequent real property taxes.

(e) Once the Certificate of Sale has been assigned, the assignee becomes the tax sale purchaser of the property associated with the certificate. The assignee shall be bound by all rules and regulations pertaining to a tax sale purchaser, including all rules of forfeiture.

Section 327, TAXATION OF MIXED USE PROPERTY, Subsection 327.3, is amended to read as follows:

327.3 If any mixed use form is not submitted to the Deputy Chief Financial Officer on or before September 1st of the year in which such forms are mailed or made electronically available to affected taxpayers on the OTR online portal, in the discretion of the Deputy Chief Financial Officer, or within the time extended by the Deputy Chief Financial Officer, or any mixed use form is timely submitted on or before September 1st, but is either inaccurate or incomplete and, after written or electronic notice from the Deputy Chief Financial Officer and, in the opinion of the Deputy Chief Financial Officer, remains inaccurate or incomplete, the Deputy Chief Financial Officer shall classify the affected taxpayer's real property as Class 2 Property for the next taxable year (October 1st-September 30th), subject to the property being classified as Class 3 or Class 4.

Section 328, APPLICATION FOR MIXED USE CLASSIFICATION, Subsection 328.1, is amended to read as follows:

328.1 The mixed use form shall be mailed or made electronically available on the OTR online portal, in the discretion of the Deputy Chief Financial Officer, by the Deputy Chief Financial Officer to all owners of income producing properties in the District. For new applicants, the form shall, upon request to OTR, be made available electronically on the OTR online portal.

Section 329, TIME LIMITATIONS AND EXTENSIONS OF TIME, Subsection 329.1, is amended to read as follows:

329.1 As prescribed by Section 370, the information required to be accurately completed on the mixed use form must be electronically submitted to the Deputy Chief Financial Officer not later than September 1st of the year in which the forms are mailed or made electronically available on the OTR online portal, in the discretion of the Deputy Chief Financial Officer, to affected taxpayers.

Section 329, TIME LIMITATIONS AND EXTENSIONS OF TIME, Subsection 329.2, is amended to read as follows:

329.2 Mixed use forms will be mailed or made electronically available on the OTR online portal, in the discretion of the Deputy Chief Financial Officer, to affected taxpayers approximately thirty (30) days prior to the due date provided for in § 329.1.

Comments on this proposed rulemaking should be submitted to Sonia Kamboh, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Sonia Kamboh may be contacted by: telephone at (202) 579-0741; or, email at sonia.kamboh@dc.gov. Copies of this rule and related information may be obtained by contacting Sonia Kamboh as stated herein.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 20-03
(Text Amendment to Subtitles B, C, H, K, and U
to Require Certain Ground Floor Uses in Self Storage Establishment)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Rep1.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016, to which all references are made unless otherwise specified):

- Subtitle B, Definitions, Rules of Measurement, and Use Categories - §§ 100 & 200
- Subtitle C, General Rules - §§ 701, 802, & 901
- Subtitle H, Neighborhood Mixed Use (NC) Zones - § 1103
- Subtitle K, Special Purpose Zones - §§ 415, 615, & 914
- Subtitle U, Use Permissions - §§ 801 & 802

Setdown
On January 17, 2020, the Office of Planning (OP) filed with the Office of Zoning a petition (OP Setdown Report) to the Commission proposing the text amendment to amend the "self-service storage establishment" use and standards, as well as to make technical changes, reorganize and renumber sections, and make terminology consistent.

At its January 27, 2020, public meeting, the Commission voted to grant's OP's request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General (OAG) to refine the proposed text and add any conforming language as necessary.[1]

Public Hearing
At its October 5, 2020, public hearing, the Commission heard from OP, which testified in support of the proposed text amendment and responded to the Commission's questions. No other person or entity testified.

Great Weight" to the Recommendations of OP
The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)

[1] OAG recommended the inclusion of the clarification of "health care" and "medical care."

The Commission finds OP's recommendation that the Commission take proposed action to adopt the proposed text amendment persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

As no ANC has filed a response to the proposed text amendment, there is nothing to which the Commission can give great weight.

At the close of the public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the text advertised in the public hearing notice, with the revisions proposed by the OP Hearing Report:

VOTE (October 5, 2020): 5-0-0 (Michael G. Turnbull, Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, Peter G. May to **APPROVE**)

The complete record in the case can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register.*

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in **~~bold and strikethrough~~** text; new text is shown in **bold and underline** text).

I. Proposed Amendments to Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by correcting a reference in the definition of "Health Care Facility," by adding a new definition of "Self-Storage Establishment," and by modifying the definition of "Warehouse," to read as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:
…[2]

Health Care Facility: A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ **~~32-1301~~** **44-501** *et seq*.)
…

School, Public: A building or use within a building …

Self-Storage Establishment: A building devoted to the storing of personal property (property other than real property) that:

(a) Consists of a building partitioned into one (1) or more enclosed and lockable storage units at least one of which does not exceed four hundred square feet (400 sq. ft.) in area, for lease on an individual basis; and

(b) Is leased on an individual basis to persons or businesses to store personal property on a self-service basis in which the lessee has control over the access and use of the self-storage space.

Service/Delivery Loading Space: An off-street space provided …
…

[2] 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.

Warehouse: Any building or premises where goods or chattel are stored. The term "warehouse" shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the premises **or a Self-Storage Establishment.**
…

Subsection 200.2 of § 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is proposed to be amended by revising paragraph (u) to correct the reference in the definition of the Medical Care use category and by revising paragraph (z) to update to self-storage establishment use, to read as follows:

200.2 When used in this title, the following use categories shall have the following meanings:
…

(u) Medical Care:

(1) A use involving the on-site licensed …

(2) These facilities may provide …

(3) Examples include, but are not limited to: dentist, doctor, optician, hospitals, clinics, or medical offices. This use category also includes any facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ ~~32-1301~~ **44-501** *et seq*.); and

(4) Exceptions: This use category does not …

…

(y) Parks and Recreation …

(z) Production, Distribution, and Repair:

(1) A use involving the on-site production …

(2) Uses may include firms that provide centralized services …

(3) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, storage, self-storage **establishment**, ground shipping facility, or wholesale sales; and;

(4) Exceptions: This use category does not include …

(aa) Residential …

II. Proposed Amendments to Subtitle C, GENERAL RULES

Subsection 701.5 of § 701, MINIMUM VEHICLE PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be reorganized in alphabetical order to read as follows:

701.5 Except as provided for in Subtitle C § 702 …

TABLE C § 701.5: PARKING REQUIREMENTS

Use Category	Minimum Number of Vehicle Parking Spaces
…	
Government, local	0.5 space per 1,000 sq. ft. in excess of 2,000 sq. ft. with a minimum of 1 space required; except: Public recreation and community center: 0.25 space per 1,000 sq. ft. in excess of 2,000 sq. ft. with a minimum of 1 space required; and Kiosk public library – no requirement.
~~**Medical care**~~	~~**1 per 1,000 sq. ft. in excess of 3,000 sq. ft., with a minimum of 1 space required.**~~
Institutional, general	1.67 per 1,000 sq. ft. in excess of 5,000 sq. ft.
…	
Marine	0.5 per 1,000 sq. ft.
Medical care	**1 per 1,000 sq. ft. in excess of 3,000 sq. ft., with a minimum of 1 space required.**
Motor vehicle-related	2 per 1,000 sq. ft.
…	

Subsection 802.1 of § 802, MINIMUM NUMBER OF BICYCLE PARKING SPACES, of Chapter 8, BICYCLE PARKING, of Subtitle C, GENERAL RULES, is proposed to be reorganized in alphabetical order to read as follows:

802.1 All residential uses with eight (8) or more dwelling units …

TABLE C § 802.1: MINIMUM NUMBER OF BICYCLE PARKING SPACES

Use	Long-Term Spaces	Short-Term Spaces
…		
Government, local	1 for each 7,500 sq. ft.	1 space for each 40,000 sq. ft. but no less than 6 spaces
~~**Medical care**~~	~~**1 space for each 10,000 sq. ft.**~~	~~**1 space for each 40,000 sq. ft.**~~
Institutional, general	1 space for each 7,500 sq. ft.	1 space for each 2,500 sq. ft. but no less than 8 spaces

Use	Long-Term Spaces	Short-Term Spaces
…		
Marine	None	1 space for each 3,500 sq. ft.
Medical care	**1 space for each 10,000 sq. ft.**	**1 space for each 40,000 sq. ft.**
Motor vehicle-related	1 space for each 20,000 sq. ft.	1 space for each 10,000 sq. ft.
…		

Subsection 901.1 of § 901, LOADING REQUIREMENTS, of Chapter 9, LOADING, of Subtitle C, GENERAL RULES, is proposed to be amended to substitute "Medical Care" for "Health Care" and reorganize alphabetically, to read as follows:

901.1 All buildings or structures shall be provided …

TABLE C § 901.1: LOADING BERTHS AND SERVICE/DELIVERY SPACES

Use	Minimum Number of Loading Berths Required	Minimum Number of Service/Delivery Spaces Required
…	None	None
Government, local		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
~~**Health care**~~		
~~**30,000 to 100,000 sq. ft. gross floor area**~~	~~**1**~~	~~**1**~~
~~**More than 100,000 sq. ft. gross floor area**~~	~~**2**~~	~~**1**~~
Institutional		
…		
Marine		
30,000 to 100,000 sq. ft. gross floor area	1	1
More than 100,000 sq. ft. gross floor area	2	1
Medical Care		
30,000 to 100,000 sq. ft. gross floor area	**1**	**1**
More than 100,000 sq. ft. gross floor area	**2**	**1**
Motor vehicle-related		
…		

III. Proposed Amendments to Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES

Paragraphs (j) and (k) of §§ 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSSIONS FOR NC ZONES, of Subtitle H, NEIGHBORHOOD MIXED USE (NC) ZONES, are proposed to be amended to substitute "Medical Care" for "Health Care" and reordered alphabetically to read as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

…

(i) Government, local;

~~**(j) Health care;**~~

~~**(k)**~~ **(j)** Institutional, general and religious;

(k) Medical Care;

(l) Office, including chancery;

…

IV. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Paragraph (e) of § 415.1 of § 415, PROHIBITED USES IN THE HE ZONES (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended for consistency, as follows:

415.1 The following uses are prohibited within the HE zones …

…

(e) ~~**Self-service storage establishment that provides separate storage areas for individual or business uses**~~ **Self-storage establishment**;

…

Paragraph (f) of § 615.1 of § 615, PROHIBITED USES (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – StE-1 THROUGH StE-19, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended for consistency, as follows:

615.1 The following uses are prohibited within the StE zones …

…

(f) ~~**Self-service storage establishment that provides separate storage areas for individual or business uses**~~ **Self-storage establishment**;

…

Paragraph (b) of § 914.1 of § 914, PROHIBITED USES (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended by eliminating redundant standards, as follows:

914.1 The following uses are prohibited in the WR ~~**zone**~~ **zones** …

…

(c) ~~**Self-service storage establishment that provides separate storage areas for individual or business uses**~~ **Self-storage establishment**.

V. Proposed Amendments to Subtitle U, USE PERMISSIONS

Subsection 801.1 of § 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising paragraph (n) to correct the reference of "Health Care" to "Medical Care," by revising paragraph (v) to include "Self-Storage Establishment," by adding a new paragraph (y) and renumbering accordingly, and by revising new paragraph (cc) to correct the reference to "Waste incineration" to "Waste-related service uses," to read as follows:

801.1 The following uses shall be permitted in a PDR zone …

…

(n) ~~**Health care**~~ **Medical Care**;

…

(v) Production, distribution, and repair **(PDR)** uses are permitted as a matter of right, subject to compliance with the Standards of External Effects in Subtitle U § 804, except for **a self-storage establishment or** the following prohibited uses …

(w) Residential uses are limited to …

(x) Retail uses …

(y) Self-storage establishment uses shall be permitted provided they meet the following:

(1) Devote to any use permitted by this section except for Parking, Transportation Infrastructure, Utility, Waste-related service or Wholesale or storage establishment:

(A) Not less than fifty percent (50%) of the ground floor area;

(B) One hundred percent (100%) of the building's street frontage along a public street to a minimum depth of thirty feet (30 ft.) from the front façade, with the exception of space devoted to building entrances or required for fire control, office associated with the self-storage establishment use, or required by the District of Columbia Building or Fire Codes (Titles 12A and 12H DCMR); and

(2) Design the ground floor with:

(A) A minimum clear floor-to-ceiling height of fourteen feet (14 ft.), measured from the finished grade; and

(B) Not less than seventy-five percent (75%) of the surface area of the street wall associated with the preferred uses required by this paragraph at the ground floor to windows, which shall include:

(i) Clear/low emissivity glass allowing transparency to a depth of twenty feet (20 ft.) into the preferred ground level space, with bottom sills no more than four feet (4 ft.) above the adjacent sidewalk grade; and

(ii) Views from within the building to the street and from the street into the building;

~~(y)~~ **(z)** Service uses are permitted as a matter of right …

~~(z)~~ **(aa)** Transportation infrastructure;

~~(aa)~~ **(bb)** Utility (basic) uses are permitted as a matter-of–right …

~~(bb)~~ **(cc)** ~~Waste incineration~~ **Waste-related service uses**, including for conversion to energy subject to the Standards of External Effects in Subtitle U § 804, and the use shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone; and

~~(cc)~~ **(dd)** Wholesale or storage establishment …

Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended by revising paragraphs (f) and (h), by adding a new paragraph (i) for Self-Storage Establishment, by adding a new paragraph (j) that was inadvertently deleted in Z.C. Case No. 19-04, and by modifying and renumbering current paragraphs (i) and (j) as new paragraphs (k) and (l), to read as follows:

802.1 The following uses shall be permitted in a PDR zone if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the applicable conditions of each paragraph below:

…

(f) Production, distribution, and repair **(PDR)** uses that involve the excavation of clay, sand, or gravel …

(g) Repair of automobiles …

(h) Retail, large format, subject to the following conditions:

(1) The development standards …

…

(8) This section shall not apply to the following:

(A) Large format retail that would occupy a planned unit development …

(B) Large format retail that would occupy a project with a completed review … meeting the definition of large format retail.~~.~~**;**

(i) Self-storage establishment uses not meeting the requirements for such uses of Subtitle U § 801.1, subject to the applicant demonstrating with documentation the following:

(1) The uses, buildings, or features at the size, intensity, and locations proposed, will substantially advance the purposes of creating an active streetscape and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;

(2) The architectural design of the project will enhance the urban design features of the immediate vicinity in which it is located;

(3) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions;

(4) Inability to meet one or more of the requirements of Subtitle U § 801.1 for a self-storage establishment use as a result of the property's size, shape, or topography, or the configuration of an existing building on the site proposed to be converted to a self-storage establishment;

(5) The reduced depth of the space that could be provided is not practical for the operation of a self-storage establishment; and

(6) The use proposed for the ground floor provides employment as permitted within the applicable PDR zone;

(j) Service uses not meeting the conditions for such uses of Subtitle U § 801.1 for a self-storage establishment or whose principal use is the administration of massages, subject to the following conditions:

(1) The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and

(2) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby residential properties, including but not limited to:

(A) Limitations on the hours of operation; and

(B) Expiration on the duration of the special exception approval;

~~(i)~~ (k) Utility (basic) uses not meeting the conditions **for such uses** of Subtitle U § 801.1**~~(z)~~**; however, if the use is an electronic equipment facility (EEF), the Board of Zoning Adjustment shall consider:

(1) How the facility, as a consequence …

…

(5) The design appearance, landscaping, parking and other such requirements it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life; **and**

~~(j)~~ (l) Waste-related service uses not permitted under Subtitle U § 801.1**~~(aa)~~**, but not including hazardous waste, subject to the following conditions:

(1) Regardless of use …

…

(11) The applicant shall provide credible evidence to the Board of Zoning Adjustment to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:

(A) An indication of the site …

…

(F) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all

other applicable regulations of the District of Columbia government, including, without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (2012 Repl.))~~; and~~**.**

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 20-13
(Text Amendment – Subtitle K of Title 11 DCMR)
(To Allow Office Uses in the SEFC-3 Zone)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Rep1.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its intent to amend the following sections of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the specific text at end of this notice: Subtitle U: Use Permissions - § 238.3.

Setdown

On June 11, 2020, & Storrs (Petitioner) filed a petition to the Commission proposing to add a new paragraph (k) to Subtitle U § 238.3 to add office uses to permitted uses in the SEFC-3 zone in order to implement the revisions adopted to the SEFC Master Plan approved by the National Capital Planning Commission. The revised SEFC Master Plan moved the office uses initially allocated to Parcel H to Parcel Q, the only property in the SEFC-3 zone, with the residential uses initially allocated to Parcel Q moved to Parcel H.

The Office of Planning (OP) filed a July 17, 2020, report that supported the proposed text amendment based on OP's analysis that it is not inconsistent with the Comprehensive Plan, as required by Subtitle X § 1300.2.[1] OP noted that the proposed swap of uses between Parcels H and Q would improve the mix of uses across the SEFC area and potential increase the affordable housing provided, because the new housing in Parcel H would likely be rental, and so subject to IZ, whereas the residential use originally planned for Parcel Q was condos which are not be subject to IZ.

At its July 27, 2020 public meeting, the Commission heard testimony from OP in support of the proposed amendment. At the conclusion of the meeting, the Commission voted to grant the Petitioner's request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

Public Hearing

OP filed an October 13, 2020, hearing report recommending approval of the proposed text amendment.

[1] Although the OP report inadvertently cited the proposed text amendment as revising Subtitle K §§ 241 and 242 in the title and recommendation, its analysis correctly addressed the proposed revision to Subtitle K § 238.3.

ANC 6D filed an October 15, 2020, letter in support of the proposed text amendment because the proposed swap of uses between parcels would further the SEFC Master Plan for the Yards and deliver more housing, including additional affordable housing, and in ANC 6D's determination, is not inconsistent with the Comprehensive Plan.

Public Hearing

At its October 22, 2020, public hearing, the Commission heard testimony from the Petitioner in support of the proposed text amendment.

National Capital Planning Commission (NCPC)

The Petitioner submitted a June 4, 2020 letter from NCPC approving the proposed amendment of the SEFC Master Plan that included the proposed use changes.

Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).

The Commission finds OP's recommendation that the Commission take proposed action to adopt the proposed text amendment persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission finds persuasive the ANC Report's concerns of the importance of providing more housing, including affordable housing, and of furthering the approved SEFC Master Plan for the Yards, and notes that the ANC Report supported the proposed text amendment as addressing these concerns, in which judgement the Commission concurs.

Proposed Action

At the close of its October 22, 2020, public hearing, the Commission voted to take **PROPOSED ACTION** to grant the petition as proposed by the Petitioner and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (October 22, 2020): 5-0-0 (Peter G. May, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**)

The complete record in the case can be viewed online through the Office of Zoning's Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register*.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in **~~bold and strikethrough~~** text; new text is shown in **bold and underline** text).

Proposed Amendment to Subtitle K, SPECIAL PURPOSE ZONES

A new paragraph (k) is proposed to be added to § 238.3 of § 238, USE PERMISSIONS (SEFC-2 AND SEFC-3), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, to read as follows:

238.3 Notwithstanding Subtitle K § 238.1, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 142 and procedures specified in Subtitle K § 242:

(a) All buildings and structures that abut the SEFC-4 open space area …[2]

…

(i) Education, college/university; **~~and~~**

(j) Daytime care**; and**

(k) Within the SEFC-3 zone only, office uses, including chanceries.

[2] The use 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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 20-16
Office of Planning
(Zoning Map Amendment @ Square 442, Lot 106)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2016 Repl.)), hereby gives notice of its adoption of the following amendments to the Zoning Map:

- Rezone Lot 106 in Square 442 (the "Property") from the ARTS-2 zone to the ARTS-4 zone.

Setdown

On July 17, 2020, the Office of Planning (OP) filed a report that served as a petition (OP Petition) requesting the Commission approve a proposed amendment of the Zoning Map for Lot 106 in Square 442 (Property) from the current ARTS-2 zone to the ARTS-4 zone (Map Amendment).

The Property consists of approximately 15,317 square feet on the northeast corner of the intersection of 7th Street and Rhode Island Avenue, N.W. To the north is a multifamily building in the ARTS-2 zone; to the east are a vacant property and row dwellings in the RF-1 zone and a multifamily residential building developed as a PUD under the C-2-B zone; to the south across Rhode Island Avenue are row dwellings in the RF-1 zone and an apartment building in the MU-4 zone; to the southwest is the Shaw Library in the MU-5A and RA-2 zones; and to the west is an the Shaw-Howard University Metro Station entrance and an apartment building in the ARTS-2 zone. The area is characterized by a mixture of row dwellings, apartments, small retail and institutional uses.

The Generalized Policy Map (GPM) of the Comprehensive Plan (CP) designates the Property as a Main Street Mixed Use Corridor, which the CP's Framework Element[1] defines as traditional commercial business corridors with a pedestrian-oriented environment with traditional storefronts with upper story residential office uses. Redevelopment of these corridors should foster economic and housing opportunities, serve neighborhood needs, support transit use, and enhance the pedestrian environment.

The CP's Future Land Use Map (FLUM) designates the Property for Mixed-Use Medium-Density Residential/Medium-Density Commercial. The CP's Framework Element defines Medium-Density Residential as including neighborhoods with mid-rise apartment buildings up to a 4.0 floor area ratio (FAR) (with additional FAR anticipated for Inclusionary Zoning (IZ) developments and for Planned Unit Developments (PUD)) as the predominant use, with some taller residential

[1] The OP Petition referred to the Framework Element, which became law on August 27, 2020, as the "new" Framework Element" because at the time of the OP Petition it had been approved by the Council and Mayor but not yet become law.

buildings surrounded by large areas of permanent open space, with the RA-3 zone specifically identified as a consistent zones, although other zones may apply. The CP's Framework Element defines Medium-Density Commercial as for retail, office, and service businesses with buildings that are up to 6.0 FAR (with additional FAR anticipated for IZ developments and PUDs), with the MU-8 and MU-10 zones specifically identified as consistent zones, although other zones may apply.

The Property's current ARTS-2 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development. The ARTS-2 zone permits a maximum building height of 65 feet (70 feet for IZ developments); a maximum 3.5 FAR (4.2 for IZ developments), of which a maximum 1.5 FAR may be devoted to non-residential uses; and a maximum lot occupancy of 60% (80% for IZ developments) for residential uses or 100% for non-residential uses.

The ARTS-4 zone proposed for the Property is intended to permit medium- to high-density, mixed-use development, with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions. The ARTS-4 zone permits a maximum building height of 90 feet (100 feet for IZ developments), with buildings above 65 feet subject to a one-to-one setback from property lines abutting a residential zone; a maximum 6.0 FAR (7.2 for IZ developments), of which a maximum 3.0 FAR may be devoted to non-residential uses; and a maximum lot occupancy of 75% (80% for IZ developments) for residential uses or 100% for non-residential uses.

The OP Petition asserted that the Map Amendment is not inconsistent with the CP because the increased height and density allowed under the proposed ARTS-4 zoning would enable additional residential units and affordable housing and generate additional pedestrian traffic that would provide additional support ground floor retail and transit use of the adjacent Metro station. The OP Petition cited multiple CP Policies, as well as the two Small Area Plans applicable to the Property, that recommended mixed-use residential buildings with ground floor retail and service uses, as did the GPM and FLUM designations. The OP Petition noted that the density and height of the proposed ARTS-4 zone are consistent with the MU-10 zone specifically identified by the CP's Framework Element as consistent with the Medium-Density Commercial FLUM designation.

At its July 27, 2020, public meeting, the Commission heard testimony from OP in support of the Map Amendment and voted to set it down for a public hearing.

Hearing

OP submitted an October 9, 2020, Hearing Report that reiterated OP's support for the Map Amendment.

ANC Report

ANC 6E, the "affected ANC" as defined by Subtitle Z § 101.8, submitted an October 18, 2020, report (ANC Report) stating that it had concerns that the ANC be consulted in future development of the Property under the Map Amendment but that it supported the OP Petition.

At its October 19, 2010, public hearing, the Commission heard testimony from OP, as well as from Shane Dettman on behalf of Holland and Knight, in support of the Map Amendment.

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds OP's recommendation that the Commission take proposed action to adopt the Map Amendment persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission notes that the concerns raised by the ANC Report apply to the future development of the Property and are not applicable to this a map amendment case, but also notes the ANC Report's support of the Map Amendment and concurs in that judgement.

Proposed Action

At the close of its October 19, 2020, public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the Map Amendment and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (October 19, 2020): 5-0-0 (Robert E. Miller, Peter G. May, Anthony J. Hood, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**)

SQUARE	LOT	MAP AMENDMENT
442	106	ARTS-2 zone to the ARTS-4

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in

the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by e-mail at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING
Z.C. CASE NO. 20-17
(Text Amendment – Subtitle Z of Title 11 DCMR)
(Suspension of Certain Types of Conditions of Approved Campus Plans During 2020-2021 Academic Year Due to COVID-19 Pandemic)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)), and pursuant to § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its amendment on an emergency basis, as well as of its intend to amend on a permanent basis, the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the specific text at end of this notice:

- Subtitle Z, Zoning Commission Rules of Practice and Procedure - § 702.8

Pursuant to 1 DCMR 309.7, this notice completely supersedes the Notice of Emergency and Proposed Rulemaking published in the August 7, 2020 (67 DCR 9564), *D.C. Register*.

Setdown

On July 17, 2020, the Office of Planning (OP) filed a petition to the Commission proposing this amendment to suspend certain types of conditions of approved Campus Plans and associated PUDs during the 2020-2021 academic year to avoid potential conflicts between the public health measures adopted by Mayor's Order 2020-067 in response to the COVID-19 pandemic and the universities' re-opening plans and conditions of approval of the campus plans and associated PUDs. OP requested that the Commission take emergency action and authorize immediate publication of proposed rulemaking for the text amendment.

Emergency & Proposed Action

At its July 27, 2020 public meeting, the Commission heard testimony from OP in favor of the amendment. At the close of the meeting, the Commission voted to grant OP's request to:

- Take emergency action to adopt the text amendment;
- Set the petition down for a public hearing;
- Authorize a thirty (30)-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the forty (40)-day requirement of Subtitle Z § 502.1 for good cause due to accommodate the safe re-opening of universities during the COVID-19 pandemic; and
- Authorize an immediate publication of proposed rulemaking for the text amendment.

The Commission concluded that taking emergency action to adopt the proposed text amendment was necessary for the "immediate preservation of the public … welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.

1206; D.C. Official Code § 2-505(c) (2012 Repl.)), in order to implement Mayor's Order 2020-067, which required universities located in the District to prepare campus re-opening plans to safely respond to the ongoing COVID-19 pandemic.

VOTE (July 27, 2020): **5-0-0** Peter G. May, Peter A. Shapiro, Anthony J. Hood, Robert E. Miller, and Michael G. Turnbull to **APPROVE**)

First Emergency Action

The first emergency rule, effective as of the Commission's July 27, 2020 vote, is superseded by the publication of this Notice of Second Emergency and Proposed Rulemaking in the *D.C. Register*, which precedes the November 24, 2020 expiration date of the first emergency rule as the one hundred-twentieth (120th) day after the emergency adoption of the first emergency rule.

First Notice of Proposed Rulemaking

The Commission published the proposed amendment as a Notice of Emergency and Proposed Rulemaking (NOEPR) in the *D.C. Register* (67 DCR 9564, *et seq.*) on August 7, 2020.

The Commission received six (6) comments: two (2) in the thirty- (30) day period required by Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-5050 (2016 Repl.)) and four (4) prior to the public hearing. Each of responses – four (4) of which were filed by community groups (Spring Valley/Wesley Heights Citizens Association (SVWHCA), Neighbors for a Livable Community (NLC)), and two (2) from the West End Citizens Association (WECA) for neighborhoods surrounding universities, one by an individual resident, and one from Advisory Neighborhood Commission (ANC) 3D – requested that the Commission add provisions to the proposed amendment to address concerns about the impacts of suspending the campus plan and PUD requirements by requiring the universities using these suspensions take the following actions:

- WECA
  - Assume responsibility for enforcing violations of COVID-19 requirements off-campus;
  - Increase the penalties for student violations off-campus; and
  - Extend universities' COVID-19 testing and quarantine requirements to off-campus students (echoed by the individual comment).
- SVWHCA
  - Clarify that the proposed text amendment did not change universities' enrollment limits.
- NLC
  - Include neighborhood liaison committees in the assessment and mitigation of changes.
- ANC 3D
  - Assess the impact of changes on the neighborhoods; and
  - Take reasonable steps to mitigate any objectionable impacts.

Public Hearing

At its October 10, 2020, public hearing, the Commission heard testimony from OP in favor of the amendment that OP:

- Did not oppose adding SVWHCA's proposed revision, although OP noted that it was not necessary as the proposed text amendment does not suspend enrollment limits;
- Recommended that the Commission not adopt the additional requirements proposed by WECA, NLC, and ANC 3D because these requirements would likely conflict with, and potentially delay, the public health review by the District Department of Health (DOH) of the campus reopening plans required by Mayor's Order 2020-067, particularly NLC's proposed required coordination with neighborhood liaison committees and WECA's proposed additional testing and quarantine requirements;
- Noted that none of the campus reopening plans submitted as of the time of the public hearing proposed to utilize the suspension authorized by the proposed text amendment; and
- Noted that the proposed text amendment only applies for the 2020-2021 academic year.

The Commission also heard testimony from WECA, SVWHCA, and ANC 3D, which reiterated the concerns raised in their respective comments submitted to the record. In response to the Commission's questions, SVWHCA acknowledged that the proposed text amendment did not propose to change enrollment limits but clarified that it was concerned that the suspension of housing limits might be interpreted to impact enrollment limits. ANC 3D acknowledged that its proposed revisions were largely aspirational and intended to call attention to the potential off-campus land use and transportation impacts of the proposed text amendment.

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)

The Commission finds persuasive OP's recommendation to not adopt the revisions to the proposed text amendment proposed by WECA, NLC, and ANC 3D as they are likely to conflict with DOH's public health review which falls outside of the Commission's review, and likely to delay the reopening plans required by Mayor's Order 2020-067. The Commission noted OP's non-opposition to adopting SVWHCA's proposed clarification that the proposed text amendment would not impact enrollment limits, which the Commission decided to adopt.

"Great Weight" to ANC Written Reports

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.), and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (1978) (citation omitted).

The Commission acknowledges ANC 3D's concerns but agrees with OP's concerns that the ANC 3D's proposed revisions would likely overlap and conflict with DOH's public health review of reopening plans for colleges and universities. The Commission concludes that the ANC 3D's proposed revisions would be difficult to enforce and potentially cause confusion with DOH's public health review and therefore does not adopt ANC 3D's proposed revisions.

Second Emergency and Proposed Action

At the close of its October 8, 2020, public meeting, the Commission voted to take **EMERGENCY AND PROPOSED ACTION** and to authorize the publication of a Notice of Second Emergency and Proposed Rulemaking, to completely supersede the original Notice of Emergency and Proposed Rulemaking by adding SVWHCA's proposed revision to clarify that the proposed text amendment does not change enrollment limits. The Commission also authorized a reduced notice period of seven (7) days pursuant to 1 DCMR § 309.5, because of the limited scope of the sole proposed change – to adopt SVWHCA's clarification that the proposed text amendment does not change enrollment limits – from the original proposed text and the extensive notice of that original proposed text, which had been published two-and-a-half months prior to the Commission's action, well over the minimum thirty (30)-day notice period required by 1 DCMR § 309.3.

The Commission concludes that taking emergency action to adopt the proposed text amendment was necessary for the "immediate preservation of the public … welfare," as authorized by § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), in order to implement Mayor's Order 2020-067, which required universities located in the District to prepare reopening campus re-opening plans to safely respond to the ongoing COVID-19 pandemic.

VOTE (October 8, 2020): **4-0-1** Robert E. Miller, Peter G. May, Anthony J. Hood, and Michael G. Turnbull to **APPROVE**; Peter A. Shapiro, not present, not voting)

Second Emergency Action

The second emergency rule is effective as of the Commission's October 8, 2020 vote and will expire on February 5, 2021, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this second emergency rule, whichever occurs first.

Second Proposed Rulemaking

The Commission hereby also gives notice of its intent to adopt on a permanent basis the following text amendment to the Zoning Regulations, which completely supersedes the publication of the Notice of Emergency and Proposed Rulemaking in the August 7, 2020, *D.C. Register*, in not less than **seven (7)** days from the date of publication of this notice in the *D.C. Register*.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than **seven (7)** days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at

https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete case record can be viewed online at the Interactive Zoning Information System (IZIS) on the Office of Zoning website, at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

The following amendments to the Zoning Regulations are adopted on an emergency basis, and are proposed for the Commission's final consideration (additions are shown in **bold** and **underlined** text and deletions are shown in **bold** and ~~**strikethrough**~~ text):

Amendment to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE

Subsection 702.8 of § 702, VALIDITY OF APPROVALS AND IMPEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is revised to read as follows:

702.8 **~~[DELETED]~~ In response to the ongoing 2020 public health emergency, the following conditions in orders approving Campus Plans and associated PUDs for universities shall be suspended for the 2020-2021 academic year to accommodate re-opening plans pursuant to Mayor's Order 2020-067, provided that enrollment limits shall remain unchanged and in effect:**

(a) Requirements to maintain a minimum number of on-campus beds or provide housing for a minimum percentage of students;

(b) Requirements that certain classes of students reside on campus;

(c) Limits on housing for certain classes of students to specific locations; and

(d) Limits on the use of classroom spaces for certain classes of students to specific locations.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-109
November 4, 2020

SUBJECT: Appointment — District of Columbia Workforce Investment Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-086, dated June 2, 2016, it is hereby **ORDERED** that:

1. **KUNTA BEDNEY,** is appointed as a representative of a labor organization or training director from a joint labor-management registered apprenticeship program member of the Council, filling a vacant seat, for a term to end June 23, 2021.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST:
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

CHILD AND FAMILY SERVICES AGENCY
CITIZEN REVIEW PANEL
DISTRICT OF COLUMBIA
Tuesday, November 10, 2020
6:30 to 8:30 PM

Join Zoom Meeting
https://us02web.zoom.us/j/86712163921?pwd=T29URGc2MDBuSkNwb3c2VHlwWWxadz09

Meeting ID: 867 1216 3921
Passcode: 3144

Agenda

6:30-6:45 PM Welcome/Introduction Tracy Hamilton, Chairperson

a. Determination of Quorum
b. Satisfaction of Public Notice
c. Confidentiality Statement
d. Comments on Minutes of July 14th and September 8th
e. Approval and/or Modification of Tonight's Agenda

6:45-7:00 PM Expectations and Leadership Tracy Hamilton, Chairperson

- By-Laws as a Guide
- Working Group Information
- Lines of Communication
- Requesting Data from CFSA

7:00- 7:45 PM Formation of New Working Group Katrina Floyd, Chair

- Summary of Conceptual Frame
- Goals and Objectives
- Committee Members
- Project Design & Time Frame

7:45- 7:55 PM Treasurer's Report Rick Bardach, Treasurer

7:55-8:10 PM Report from Older Youth Working Group Rick Bardach, Chair

8:10- 8:15 PM Facilitator's Report Joyce N. Thomas

8:15- 8:30 PM New Business **Tracy Hamilton**

Children's Justice Act (Letter of Support)

Future CRP Meeting Schedule	
January 12, 2021	Virtual
March 8, 2021	Virtual

Upcoming Activities of Interest

December 8, 2020 MACCAN Virtual Meeting
March 12, 2021 Grant Modification Option Year for DCRL-2017-U-0030.
April 30, 2021 Submit CRP Annual Report to CFSA

Meeting Adjournment

Questions:

Joyce Thomas, CRP Facilitator, ccpfs@centerchildprotection.org

DC INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Compensation Design Consultant

RFP for Compensation Design Consultant: DC International School is seeking competitive bids consultants who can evaluate current salaries, do a comparison with local markets, and work with us to develop a compensation philosophy and salary bands for our non-teaching employees, with equity as a primary driver. Proposals will need to include relevant experience, qualifications, estimated timeline, and estimated fees. Please send proposals to RFP@dcinternationalschool.org. Proposals must be received no later than the close of business on Friday, November 20, 2020.

DC GREEN FINANCE AUTHORITY

NOTICE

REGULAR MEETING OF THE BOARD

DC Green Finance Authority ("DC Green Bank") will conduct a regular meeting of the Board of Directors, pursuant to the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Regular Meeting of the Board of Directors of DC Green Bank shall be as follows:

Date:	**Thursday, November 19, 2020**
Time:	**2:00 PM – 3:00 PM**
Location:	**-Microsoft Teams Videoconference-** **Pre-registration required** **Email info@dcgreenbank.org for more information**
Contact:	**info@dcgreenbank.org**

HEALTH BENEFIT EXCHANGE AUTHORITY

NOTICE OF PUBLIC MEETING (DATE CHANGE)

Executive Board of the Health Benefit Exchange Authority

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held on **Wednesday, November 18, 2020 at 5:30 pm**. The call in number is 1-650-479-3208, and access code is 731 476 505. The Executive Board meeting is open to the public. If you have any questions, please contact Debra Curtis at (202) 741-0899.

KIPP DC PUBLIC CHARTER SCHOOLS

REQUEST FOR PROPOSALS

Reusable Masks

KIPP DC is soliciting proposals from qualified vendors for Reusable Masks. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM ET on November 18, 2020. Questions can be addressed to tania.honig@kippdc.org.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF PUBLIC MEETING OF THE
WALTER REED ARMY MEDICAL CENTER
COMMUNITY ADVISORY COMMITTEE

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Public Meeting shall be as follows:

Date: **Monday, November 9th**

Time: **6:30 PM – 8:00 PM**

Location: **- WebEx Call -**
Join by phone 1-650-479-3208
Meeting Number (access code): 172 997 2166

Contact: **Randall Clarke, DMPED**

Walter Reed Community Advisory Committee Meeting Agenda

1. LRA Opening Remarks
   - Welcome & Intro
   - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
   - CBE First Source Project Update/Upcoming Opportunities
   - Construction Updates
   - Project Events
   - Other Project Updates
3. Adjourn - 8pm

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER REVIEW

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on the DC public charter schools listed below, which are up for a charter review on December 14, 2020. Pending DC PCSB staff's analysis, the Board may elect to do one of the following for each school: 1) continue the school's charter without conditions, 2) conditionally continue the school's charter by imposing annual or interim targets or requirements it must meet, ***or*** 3) commence charter revocation proceedings.

1. Breakthrough Montessori Public Charter School (PCS):
   Breakthrough Montessori PCS is up for its five-year charter review. The school currently operates a single campus across two facilities in Ward 4 where it serves student in grades PK3 – 3. Its mission is to "provide families of Washington, DC, a fully implemented, public, Montessori program designed to enable children to develop within themselves the power to shape their lives and the world around them."

2. Inspired Teaching Demonstration PCS:
   Inspired Teaching Demonstration PCS is up for its 10-year charter review. The school currently operates a single campus in Ward 5 where it serves students in grade PK3 – 8. Its mission is to "ensure that a diverse group of students achieve their potential as accomplished learners, thoughtful citizens, and imaginative and inquisitive problem solvers through a demanding, inquiry-based curriculum."

3. Thurgood Marshall Academy PCS:
   Thurgood Marshall Academy PCS is up for its 20-year charter review. The school currently operates a single campus in Ward 8. It serves students in grades 9 – 12. Its mission is to "prepare students to succeed in college and actively engage in our democratic society."

4. Washington Leadership PCS:
   Washington Leadership PCS is up for its five-year charter review. The school currently operates a single campus in Ward 5 where it serves students in grades 9 – 12. Its mission is to "prepare Washington, D.C. scholars with the knowledge, skills, and habits required for success in college and lives of public leadership." Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., the DC Public Charter School Board (DC PCSB) is required to review each DC charter school's performance at least once every five years.

DATES:

- Comments must be submitted on or before December 14, 2020
- Vote will be held on December 14, 2020 at 6:30pm. For location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "[School Name] - Notice of Petition for Charter Review," by any one of the methods listed below. [1]

1. Submit a written comment via:
   (a) Email: public.comment@dcpcsb.org
   (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010
   (c) Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify at the board meeting on December 14, 2020 by emailing a request to public.comment@dcpcsb.org by no later than 4:00 pm on December 10, 2020.

FOR FURTHER INFORMATION CONTACT: Melodi Sampson, Senior Manager—School Quality and Accountability, at (202) 330-4046; email: msampson@dcpcsb.org.

[1] DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:	)	
	)	
Washington Teachers' Union, Local 6, American Federation of Teachers, AFL-CIO	)	
	)	PERB Case No. 20-U-30
Complainant	)	
	)	
v.	)	Opinion No. 1760
	)	
District of Columbia Public Schools	)	
	)	
Respondent	)	
	)	

PRELIMINARY RELIEF ORDER

1. The Board grants the District of Columbia Public Schools' Motion for an Enlargement of Time to file its Response to Washington Teachers' Union's Renewed Request for Preliminary Relief.

2. Pursuant to Board Rule 520.9, the Board finds that there is reasonable cause to believe that DCPS has violated D.C. Official Code Section 1-617.04(a)(1) and (5), based on the submissions of the parties and the record developed by the Hearing Examiner; the conduct is clear-cut and flagrant; and the public interest is seriously affected.

3. Within five calendar days of today, October 20, 2020, the District of Columbia Public Schools shall commence bargaining over health and safety conditions related to the reopening of District public schools.

4. The District of Columbia Public Schools shall immediately rescind the Guidelines and Intent Form issued on June 30, 2020, and notify members of the bargaining unit in the manner in which DCPS normally communicates notices to bargaining unit members.

5. The District of Columbia Public Schools shall immediately rescind the health and safety protocols and the survey issued on September 29, 2020, and notify the members of the bargaining unit in the manner in which DCPS normally communicates notices to bargaining unit members.

6. Within 7 calendar days of today, October 20, 2020, the District of Columbia Public Schools shall certify to the Public Employee Relations Board the actions it has taken to implement this Order.

7. In light of recent Board decisions on the duty to bargain about health and safety matters, the Board reserves the right to take other actions at a later date to ensure DCPS's compliance with its bargaining obligations.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler. (Chair Douglas Warshof recused.)

Washington, D.C.
October 20, 2020

CERTIFICATE OF SERVICE

This is to certify that the attached Preliminary Relief Order was served to the following parties on this the 20th day of October 2020:

Via File & ServeXpress

Lee W. Jackson
James & Hoffman, P.C.
1130 Connecticut Avenue NW, Suite 950
Washington, D.C. 20036

Stephanie T. Maltz
District of Columbia
Office of Labor Relations and Collective Bargaining
441 4th Street NW, Suite 820 North
Washington, D.C. 20001

/s/ Royale Simms
Public Employee Relations Board

ROCKETSHIP DC PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER SOLE-SOURCE CONTRACT

Rocketship DC Public Charter School ("Rocketship DC") intends to enter into a sole source contract with Virco for the 2020-2021 school year.

The decision to conduct a sole source agreement is due to the unique campus furniture that Virco provides. As a national organization we have specific desks, chairs, tutoring tables and staff room furniture that all campuses use that work to enhance our instructional model, in branded colors that only Virco provides. This also enables us to order, coordinate delivery and installation nationally, removing this time consuming work from our school-based operations teams. We base this decision on compatibility, branding, price, and experience & expectations

This contract does not have a specific overall price for the SY20-21 but it does allow us to lock in pricing for each furniture item ahead of our procurement season in March 2021. Over the years our campuses have ordered over $25,000 of furniture from Virco. The sole source contract will be awarded on January 8, 2021 by 5:00pm. If you have any questions, please contact Larisa Yarmolovich (National Director of Operations) before Friday, December 18, 2020 by 5:00pm using the information below:

Larisa Yarmolovich
lyarmolovich@rsed.org

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, November 19, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	AWTP Status Updates 1. BPAWTP Performance	Vice-President, Wastewater Ops
3.	Status Updates	Senior VP, CIP Project Delivery
4.	Project Status Updates	Director, Engineering & Technical Services
5.	Action Items - Joint Use - Non-Joint Use	Senior VP, CIP Project Delivery
6.	Water Quality Monitoring	Senior Director, Water Ops
7.	Action Items	Senior VP, CIP Project Delivery Senior Director, Water Ops Director, Customer Care
8.	Emerging Items/Other Business	
9.	Executive Session	
10.	Adjournment	Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Tuesday, November 17, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	October 2020 Financial Report	Committee Chairperson
3.	Agenda for December 2020 Committee Meeting	Committee Chairperson
4.	Adjournment	Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, November 17, 2020 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to the Board of Directors Calendar on DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Committee Chairperson
2.	Monthly Updates	Executive VP, Finance & Procurement
3.	Committee Work Plan	Executive VP, Finance & Procurement
4.	Other Business	Executive VP, Finance & Procurement
5.	Adjournment	Committee Chairperson

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 20204 of 1001 Bryant Street LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development provisions of Subtitle U § 421.1, to combine the two lots into one record lot and construct a new 16-unit apartment house in the RA-1 Zone at premises 1001-1003 Bryant Street, N.E. (Square 3869, Lots 25 and 26).

HEARING DATES: February 12, March 4, and July 29, 2020[1]
DECISION DATE: September 16, 2020

DECISION AND ORDER

This self-certified application was submitted on November 26, 2019 on behalf of 1001 Bryant Street LLC, the owner of the property that is the subject of the application (the "**Applicant**"). Following a public hearing, the Board voted to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated December 30, 2019, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning ("**OP**"), the District Department of Transportation ("**DDOT**"), the Department of Parks and Recreation, the Office of the Deputy Mayor for Education, the Office of Advisory Neighborhood Commissions, the Council member for Ward 5 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission ("**ANC**") 5C, the ANC in which the subject property is located, Single Member District/ANC 5C05, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on July 24, 2020. (67 DCR 31.)

Party Status. The Applicant and ANC 5C were automatically parties in this proceeding. There were no requests for party status.

Applicant's Case. The Applicant provided evidence and testimony in support of the application from Matt Scorzafava as well as from Michael Cross, the project architect, and Elizabeth Stuart, the project designer.

[1] This application was originally scheduled for public hearing on February 12, 2020. It was postponed twice - to March 4, 2020 and April 22, 2020 - at the Applicant's request. The hearing was rescheduled for a virtual public hearing on July 29, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the subject property.

OP Report. By memorandum dated February 21, 2020, the Office of Planning recommended approval of the zoning relief requested by the Applicant. (Exhibit No. 36.)

DDOT. By memorandum dated February 14, 2020, the District Department of Transportation indicated no objection to approval of the zoning application. (Exhibit No. 37.)

ANC. By report submitted August 14, 2020, ANC 5C indicated that, at a public meeting on August 12, 2020 with a quorum present, the ANC voted to oppose the application. (Exhibit No. 68.)

Persons in opposition. The Board heard testimony and received letters in opposition to the application from persons living in the vicinity of the subject property. The letters generally asserted that the proposed new development would cause adverse traffic and parking impacts on the narrow, one-way street and objected to the proliferation of multi-family buildings in a neighborhood designed for detached principal dwellings.

FINDINGS OF FACT

1. The property that is the subject of this application is currently configured as two adjoining record lots, Lots 25 and 26 in Square 3869, with addresses of 1001 and 1003 Bryant Street, N.E. The parcel is an irregularly shaped corner lot bounded by Bryant Street to the northeast, Rhode Island Avenue to the north, 10th Street to the west, a residential property to the southeast, and a public alley 16 feet wide at the rear, opposite Bryant Street.

2. Lot 26 is rectangular, 45 feet wide and 110 feet deep. Lot 25, which abuts Lot 26 to the west, is generally triangular and is also 110 feet deep along its eastern lot line (shared with Lot 26). Lot 25 has 80 feet of frontage along Bryant Street, approximately 126 feet along 10th Street on the west, and approximately 18 feet along the public alley on the south. The lot area of the combined parcel is 10,355 square feet.

3. The parcel is subject to a building restriction line 15 feet from the western lot line of Lot 25 along 10th Street.

4. Each lot was improved with a two-story detached dwelling.

5. The Applicant planned to raze the existing dwellings, subdivide the two existing lots to create one lot of record, and construct a new apartment house at the subject property. As proposed, the building will have three floors, with a cellar and penthouse, and will contain 16 apartments, a mix of two- and three-bedroom units. A typical floor plan depicted four units on each floor. At least one apartment will qualify as an Inclusionary

Zoning ("IZ") unit.[2] The Applicant testified that the IZ unit will be a three-bedroom apartment provided at 60 percent median family income. (Transcript ("Tr.") of July 29, 2020 at 174.)

6. The new building will satisfy the development standards applicable in the RA-1 zone.
   a) Lot occupancy will be 36 percent, where a maximum of 40 percent is permitted as a matter of right. (Subtitle F § 304.1.)

   b) The building will have three stories and a building height of 34 feet, nine inches, where maximums of 40 feet and three stories are permitted. (Subtitle F §§ 303.1, 303.2.)

   c) The rear yard setback will be 24 feet, five inches, where a minimum of 20 feet is required. (Subtitle F § 305.1.)

   d) The building will have side yards of 15 feet on the west and eight feet, nine inches on the east, where a minimum of eight feet is required. (Subtitle F § 306.)

   e) The floor area ratio ("**FAR**") will be 1.07 with IZ, where a maximum of 1.08 FAR is permitted with IZ. (Subtitle F § 302.)

7. The project will provide five vehicle parking spaces (three full-size and two compact spaces) in a parking area at the rear of the lot, in excess of the minimum requirement of two spaces. (Subtitle C § 702.1.) The building will provide five long-term, secure indoor bicycle parking spaces located in the cellar and on the ground floor.

8. The public alley at the rear of the property will provide access to the parking area. Deliveries, loading, and trash collection will also occur in the rear of the property via the alley.

9. The proposed development will provide an enclosed trash area at the rear of the property, more than 45 feet away from a parking lot serving an adjacent building.

10. The Applicant's landscaping plan for the planned development includes the retention of some existing trees in the front of the property as well as the addition of new trees, in the eastern portion of the site, and shrubs along the 10th Street frontage. The site does not contain any heritage trees. The Applicant testified that most, if not all, the existing special trees on the subject property will be retained, especially along 10th Street. (Tr. at 177.)

11. The Applicant revised the design originally proposed for the new apartment house in response to comments from the Office of Planning. Because OP asserted that the

[2] See Subtitle F § 105.1 and Subtitle C, Chapter 10, Inclusionary Zoning.

location of a building facing Rhode Island Avenue justified a more prominent treatment at the corner of 10th and Bryant Streets, the Applicant modified the plans to relocate the front entrance of the building "to be more open toward Rhode Island Avenue." OP also commented that the building configuration should respond to the irregular shape of the site and better define the street edge on both 10th and Bryant Streets, but the Applicant responded that the proposed building orientation could not be changed due to an existing water utility easement and the need for a side yard. The Applicant also declined to add balconies on street-facing façades, citing the proposed lot occupancy of the project. According to the Applicant, the addition of balconies would have required a reduction in the size of the apartments so as not to exceed the permitted lot occupancy. (Exhibit No. 35.)

12. The area surrounding the subject property is predominantly residential, with a variety of housing types ranging from detached principal dwellings to large apartment houses. Two small apartment houses are located immediately to the east of the subject property; larger multi-family buildings are located nearby across Rhode Island Avenue. The area also contains numerous commercial uses, including a large retail shopping center located to the south of the Applicant's property.

13. The subject property is located approximately one-third mile from the Rhode Island Avenue-Brentwood Metrorail station. Metrobus stops are also available in the vicinity, including one at Rhode Island Avenue and 10th Street.

14. According to Enrollment Boundary System Information published on the D.C. Public Schools website, the "in-boundary" public schools serving the subject property are Noyes Elementary School, Brookland Middle School, and Dunbar High School. The 2017 utilization rates for those schools were 53 percent or lower.

15. The subject property is within approximately a half-mile from two public recreation centers, Noyes and Brentwood.

16. The subject property is located in a Residential Apartment (RA) zone, RA-1. The RA zones permit urban residential development and compatible institutional and semi-public buildings. (Subtitle F § 100.1.) The RA zones are designed to be mapped in areas identified as moderate- or high-density residential areas suitable for multiple dwelling unit development and supporting uses. (Subtitle F § 100.2.) The provisions of the RA zones are intended to: (a) provide for the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses; (b) permit flexibility by allowing all types of residential development; (c) promote stable residential areas while permitting a variety of types of urban residential neighborhoods; (d) promote a walkable living environment; (e) allow limited non-residential uses that are compatible with adjoining residential uses; (f) encourage compatibility between the location of new buildings or construction and the existing

neighborhood; and (g) ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle F § 100.3.)

17. The purposes of the RA-1 zone are to (a) permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and (b) permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones. (Subtitle F § 300.1.) The RA-1 zone is designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. (Subtitle F § 300.2.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under the new residential development provisions of Subtitle U § 421.1 to allow a new 16-unit apartment house in the RA-1 zone at 1001-1003 Bryant Street, N.E. (Square 3869, Lots 25 and 26). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

Pursuant to Subtitle U § 421, the Board may approve a new residential development in the RA-1 zone that does not comprise all one-family detached and semi-detached dwellings by special exception subject to the standards and requirements indicated in that section. As required by Subtitle U § 421.2, the application was referred to the relevant agencies for comment on the capacity of area schools to accommodate the number of students who could be expected to live in the project as well as the streets, recreation, and other services to accommodate residents expected to live in the project. The application was also referred to the Office of Planning, in accordance with Subtitle U § 421.3, for comment and recommendation on the proposed site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood, and the relationship of the proposed project to public plans and projects. As required by Subtitle U § 421.4, the Applicant submitted a site plan and set of typical floor plans and elevations, grading plan (existing and final), and landscaping plan. The application did not propose significant changes in grading or any new rights of way or easements.

Based on the findings of fact, the Board concludes that the application satisfies the requirements for special exception approval consistent with Subtitle U § 421. The proposed development will comply with development standards applicable in the RA-1 zone, ensuring that the new building will not adversely affect the use of neighboring properties with respect to light, air, or privacy.

The Board credits OP's conclusion that the schools, recreation centers, and other services are sufficient to accommodate the residents who could be expected to live in the new 16-unit apartment house.

The project will exceed the minimum requirement for vehicular parking in addition to providing secure long-term bicycle parking inside the building. The Board heard concerns raised by ANC 5C as well as testimony from persons in opposition to the application that the project will exacerbate existing traffic congestion and parking demand near the subject property. Considering especially the relatively small number of new apartments as well as the building's proximity to public transportation, and noting DDOT's lack of objection to the proposal, the Board concludes that approval of the application will not cause adverse impacts with respect to traffic or parking.

The Board concurs with OP's conclusion that the application proposed a site plan, building arrangement, and landscaping plan appropriately relating to the surrounding neighborhood. The Applicant's revised design responded to OP's recommendations consistent with existing site constraints. The ANC opposed the building design and orientation, stating that the planned development would contrast substantially with and diminish the importance of existing dwellings on the street. The Board does not agree that the appearance of the new building will be inconsistent with existing buildings or incompatible with the neighborhood character. The application demonstrated that the subject property is located in an area with a variety of building types and uses and is readily visible from Rhode Island Avenue. The Board agrees with the Applicant that the proposed design is suitable for a building that will provide a transition between the lower scale of detached dwellings around Bryant Street and the larger buildings and higher density residential and commercial development along Rhode Island Avenue. The building arrangement will provide access to parking and trash collection along the alley at the rear of the site, while the landscaping plan will promote the residential appearance of the new apartment house.

The Board concludes that approval of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is required for approval of the application under Subtitle X § 901.2. The Applicant's project will be situated on a corner lot, which can compatibly accommodate a multi-family building within the RA-1 zone's development parameters, and other multi-family buildings are already located directly to the east and across the street from the new development. The Applicant's project is consistent with the purposes of the RA-1 zone to permit flexibility of design by permitting all types of urban residential development that conform to the height, density, and area requirements established for the zone district. Approval of the requested special exception is consistent with the intent of the Residential Apartment (RA) zones to permit urban residential development in moderate- or high-density residential areas suitable for multiple dwelling unit development and supporting uses. The planned development will be in keeping with the intent of the RA zones to provide for

the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses, permit flexibility by allowing all types of residential development, promote stable residential areas while permitting a variety of types of urban residential neighborhoods, promote a walkable living environment, and encourage compatibility between the location of new buildings or construction and the existing neighborhood.

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.).) For the reasons discussed above, the Board agrees with OP's recommendation that the application should be approved in this case.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)).) In this case, ANC 5C submitted a report and testified in opposition to the application. The Board has given great weight to the issues and concerns stated by ANC 5C but, for the reasons discussed above, did not find its lack of support for the application persuasive.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under the new residential development provisions of Subtitle U § 421.1 to allow a new 16-unit apartment house in the RA-1 zone at 1001-1003 Bryant Street, N.E. (Square 3869, Lots 25 and 26). Accordingly, it is **ORDERED** that the application is **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS[3] AT EXHIBIT 35A – REVISED ARCHITECTURAL PLANS.**

VOTE (Sept. 16, 2020)**:** **4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Robert E. Miller voting to **APPROVE**; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 29, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

[3] In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 20287 of Alozie Uneze, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the home occupation use requirements of Subtitle U §§ 251.1(b)(3) and 251.6, to expand an existing child development home from nine to twelve children in the R-3 Zone at premises 4501 4th Street, N.W. (Square 3308, Lot 39).

HEARING DATE: October 21, 2020
DECISION DATE: October 21, 2020

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 9.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.[1]

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4C.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 14, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 36.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 13.)

OSSE Report. The Office of the State Superintendent of Education submitted a report recommending approval of the application. (Exhibit 29.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 14.)

[1] The Board waived the requirements of Subtitle Y § 402.1(a) because notice was provided in the *DC Register* less than 40 days. However, all other forms of notice were provided, and no prejudice resulted to any party.

Persons in Support. Three letters were submitted in support of the application. (Exhibits 31, 32, and 33.)

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the home occupation uses requirements of Subtitle U §§ 251.1(b)(3) and 251.6, to expand an existing child development home from nine to twelve children in the R-3 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED.**

VOTE: **4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 27, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL

APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.