VOL. 67 – NO. 53 DECEMBER 25, 2020

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-524, Coronavirus Public Health Extension Emergency Amendment Act of 2020
- D.C. Council enacts Act 23-526, Students' Right to Home or Hospital Instruction Act of 2020
- D.C. Council enacts Act 23-532, Minor Consent for Vaccinations Amendment Act of 2020
- D.C. Council passes Resolution 23-640, Displaced Workers Right to Reinstatement and Retention Emergency Declaration Resolution of 2020
- Department of Consumer and Regulatory Affairs updates the pre-licensure education requirements for real estate brokers in the District
- Department of Consumer and Regulatory Affairs updates its schedule of fines effective January 1, 2021
- Department of Health Care Finance proposes amendments to the District of Columbia State Plan for Medical Assistance
- D.C. Public Service Commission proposes changes that would require PEPCO to mandate redeployment of advanced inverters in the District

The Mayor of the District of Columbia extends the public emergency and public health emergency to March 31, 2021 and implements a holiday pause on various activities to flatten the curve of COVID-19 cases (Mayor's Order 2020-127)

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

All documents published in the *District of Columbia Register (Register)* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the D.C. government (6) Notices, Opinions, and Orders of D.C. Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THUSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

Viewing the DC Register

The Office of Documents and Administrative Issuances publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *D.C. Register*. Copies of the *Register* from April 2003 through July 2010 are also available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the Register from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtonian Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *Register.* News services are encouraged to publish all or part of the *Register.*

Legal Effect of Publication - Certification

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

DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

RESOLUTIONS

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

RESOLUTIONS CONT'D

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

RESOLUTIONS CONT'D

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

PROPOSED RULEMAKING

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY RULEMAKING

EMERGENCY AND PROPOSED RULEMAKING

NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS

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

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-524

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 18, 2020

To amend, on an emergency basis, the District of Columbia Public Emergency Act of 1980 to extend the Mayor's authority to declare a public health emergency; to amend the Coronavirus Support Temporary Amendment Act of 2020 to clarify certified business enterprise and certified joint venture contracting and subcontracting requirements, to clarify grantmaking authority for public health emergency response grants, to waive community service requirements for school graduations for the 2020-2021 school year, and to extend its sunset date; and to amend the Protecting Businesses and Workers from COVID-19 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 "Coronavirus Public Health Extension Emergency Amendment Act of 2020".

Sec. 2. 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) until March 31, 2021. 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.".

Sec. 3. The Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is amended as follows:

(a) Section 203 is amended by adding new subsections (a-1) and (a-2) to read as follows:

"(a-1) Notwithstanding subsection (a) of this section, a certified business enterprise awarded a contract for a government-assisted project in excess of $250,000 that is unrelated to the District's response to the COVID-19 emergency but entered into during the COVID-19 emergency shall:

"(1) Perform at least 35% of the contracting effort with its own organization and resources if the certified business enterprise is granted points or a price reduction pursuant to section 2343 of the CBE Act or selected through a set-aside program; and

"(2) If the certified business enterprise subcontracts, ensure that 50% of the dollar volume of the subcontracted effort be with certified business enterprises unless a waiver is granted pursuant to section 2351 of the CBE Act.

"(a-2) Notwithstanding subsection (a) of this section, a certified joint venture awarded a contract for a government-assisted project in excess of $250,000 that is unrelated to the District's response to the COVID-19 emergency but entered into during the COVID-19 emergency shall:

"(1) Perform at least 50% of the contracting effort with its own organization and resources if the certified joint venture is granted points or a price reduction pursuant to section 2343 of the CBE Act or selected through a set-aside program; and

"(2) If the certified joint venture subcontracts, 50% of the dollar volume of the subcontracted effort shall be with certified business enterprises unless a waiver is granted pursuant to section 2351 of the CBE Act.".

(b) Amendatory Section 5b(a) of the District of Columbia Public Emergency Act of 1980, effective October 9, 2020 (D.C. Law 23-130; D.C. Official Code § 7-2304.02(a)), in section 507(c) is amended as follows:

(1) The lead-in language is amended by striking the phrase "program or organization" and inserting the phrase "program, organization, business, or entity" in its place.

(2) Paragraph (4) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(3) Paragraph (5) is amended by striking the phrase "services." and inserting the phrase "services;" in its place.

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

"(6) Covering the costs of operating a business or organization including rent, utilities, or employee wages and benefits; or

"(7) Providing technical assistance to the business community.".

(c) Section 601 is amended to read as follows:

"Sec. 601. Graduation requirements.

"Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2201 *et seq.*) is amended as follows:

"(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase "shall be satisfactorily completed" and inserting the phrase "shall be satisfactorily completed; except, that this requirement shall be waived for a senior who otherwise would be eligible to graduate from high school in the District of Columbia in the 2019-2020 or 2020-2021 school year" in its place.

"(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year" and inserting the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year; except, that following the Superintendent's approval to grant an exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A DCMR § 2100.3 for school year 2019-2020 or 2020-2021, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-

2020 or 2020-2021 academic year for any course in which a student in grades 9-12 is enrolled" in its place.".

(d) Section 1204(b) is amended by striking the number "225" and inserting the number "295" in its place.

Sec. 4. Section 301 of the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-443; 67 DCR 13025), is amended as follows:

(a) Amendatory 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)), in subsection (a) is amended by striking the date "December 31, 2020" and inserting the date "March 31, 2021" in its place.

(b) Subsection (b) is repealed.

Sec. 5. 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. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
December 18, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-525

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBR 17, 2020

To require dementia training of at least 8 hours for a staff member whose work involves extensive contact with residents or program participants, to require facilities to establish procedures for ongoing staff support regarding the treatment and care of persons with dementia, to require the Department of Health to identify and designate standardized trainings, and to require facilities to issue a certificate to direct care workers upon completion of dementia training; and to require the Department of Health Care Finance to conduct a rate study to determine the existing wage structure and projected wage structure necessary to ensure a vital and adequately compensated class of direct support.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dementia Training for Direct Care Workers Support Amendment Act of 2020".

Sec. 2. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended as follows:

(a) Section 4948 (D.C. Official Code § 7-744.01) is designated as section 4951.

(b) A new section 4952 is added to read as follows:

"Sec. 4952. Dementia training for direct care workers.

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

"(1) "Department" means the Department of Health.

"(2) "Facilities or programs" means residential facilities or home-based and community-based programs that provide supportive services, including Skilled Nursing Facilities, as defined in 42 U.S.C. § 1395i-3(a), Assisted Living Residences, as defined in section 201(4) of the Assisted Living Residence Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(4)), Home Care Agencies and Hospice, as defined, respectively, in section (2)(a)(2) and (7) of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44–501(a)(2) and (7)), that have residents or program participants with Alzheimer's disease or related dementia in residential settings.

"(3) "Covered administrative staff member" means a senior employee at a facility or program, including an administrator as well as a managerial staff member who directly supervises covered direct service staff members.

"(4) "Covered direct service staff members" refers to staff members whose work involves extensive contact with residents or program participants, including certified nursing assistants, nurse aides, personal care assistants, home health or personal care aides, licensed practical nurses, licensed vocational nurses, registered nurses, social workers, activity directors and staff, dietary staff, physician assistants, nurse practitioners, physical, speech therapists, and occupational therapy staff.

"(5) "Other covered staff member" refers to a staff member who is either a full-time or part-time employee, independent consultant, or a staff member of a contractor or subcontractor who has contact on a recurring basis with, but does not provide medical services for, residents or program participants, including housekeeping staff, front desk staff, other administrative staff, and other individuals who have incidental contact.

"(b)(1) Facilities or programs shall provide initial training of at least 8 hours to:

"(A) All covered direct service staff members, covered administrative staff members, and other covered staff members hired on, or within 6 months after, the applicability date of this section who shall begin dementia training within 90 days of the hire date, and complete the training within 120 days of the hire date; and

"(B) All covered direct service staff members, covered administrative staff members, and other covered staff members who were employed prior to the applicability date of this section and who have not received equivalent training within the prior 24 months shall complete the initial training requirements within one year following publication by the Department of Health of acceptable trainings regulations.

"(2) Each facility or program shall establish procedures for ongoing staff support regarding the treatment and care of persons with dementia, which shall include on-site mentoring programs and other support mechanisms developed by the Department.

"(3) For covered direct service staff members and covered administrative staff members, the curriculum used for the initial training shall cover:

"(A) Alzheimer's disease, and related dementia;

"(B) Person-centered care;

"(C) Assessment and care planning;

"(D) Activities of daily living; and

"(E) Dementia-related behaviors and communication.

"(4) For covered administrative staff members, the curriculum used for the initial training shall also cover:

"(A) Medical management information education and support;

"(B) Staffing;

"(C) Supportive and therapeutic environments; and

"(D) Transitions and coordination of services.

"(5) For other covered staff members, training shall include, at a minimum, an overview of dementia, principles of person-centered care, and communication issues.

"(6) Initial dementia training shall be considered complete only after the staff member has taken and passed an evaluation.

"(c)(1) Within 120 days after the applicability date of this section, the Department shall identify and designate standardized trainings, including online trainings, and trainings currently used by providers that meet the requirements of subsection (b)(3) through (5) and shall also establish a process whereby other non-standardized training programs will be determined to meet the requirements for dementia training.

"(2) To receive approval by the Department, whether online or in-person, all training modules, presentations, materials, and evaluations must reflect current standards and best practices in the care and treatment of persons with dementia.

"(3) The Department may also approve independent evaluation instruments currently used by providers that meet the Department's criterion for dementia training or develop an evaluation instrument or instruments that relate to the demonstration of competency.

"(d)(1) The facility shall issue a certificate, which shall be notarized and provided to covered staff members upon completion of dementia training, which certification shall be portable between settings within the District.

"(2) Provided that the covered staff member does not have a lapse of dementia-related direct service or administration employment for 24 consecutive months or more, the covered staff member shall not be required to repeat the initial dementia training.

"(3) Covered staff members shall be responsible for maintaining documentation regarding completed dementia trainings and evaluations.

"(e)(1) A minimum of 4 hours of continuing education in each calendar year shall be required for covered administrative staff members and covered direct service staff members.

"(2) A minimum of 2 hours of continuing education in each calendar year shall be required for other covered staff members.

"(3) Such continuing education shall include new information on best practices in the treatment and care of persons with dementia.

"(f)(1) Persons responsible for conducting in-person dementia trainings shall have, at a minimum:

"(A) Two years of work experience related to Alzheimer's disease or other related dementias in health care, gerontology, or other related field; and

"(B) Completed training equivalent to the requirements provided in this section, including successful passage of any skills competency or knowledge test required by the District.

"(2) Covered staff members shall not be required to bear any of the cost of training offered by the facility or program and shall receive their normal compensation when attending required trainings.

"(g)(1) The Department shall exercise oversight of a facility's or program's dementia training program as part of its comprehensive regulatory responsibilities, which shall:

"(A) Ensure that the facility or program provides continuing education opportunities;

"(B) Ensure that the facility or program uses designated online training programs or facility-based training that meets the requirements for dementia training in the District;

"(C) Include a periodic review of the training evaluation, including the use of competency measures to demonstrate knowledge gained;

"(D) Involve observation and assessment of the proficiencies of direct care staff; and

"(E) Ensure compliance with any other requirements not specified above.

"(2) The Department may use all of its enforcement tools to ensure that facilities or programs comply with these provisions.

"(h) Where the training requirements established by this section differ or overlap with other District law or regulation, the more rigorous training requirements shall apply.".

Sec. 3. Rate Study for the cost of health care work.

(a) The Department of Health Care Finance ("DHCF"), in consultation with private and public entities that provide direct healthcare services to members in the community, shall have a rate study conducted through an independent third party to determine the existing wage structure and projected wage structure necessary to ensure a vital and adequately compensated class of direct support workers in the home health care, personal care assistance nursing home care, and assisted living industry.

(b) The rate study shall consider the following services:

(1) Personal care aides, including homemaker services and chore aide services;

(2) Certified nurse assistance;

(3) Skilled nursing;

(3) Physical therapy;

(4) Occupational therapy;

(5) Speech and language pathology; and

(6) Nutritional services.

(c) The rate study shall not include any services that are funded by the Department of Disability Services.

(d) The rate study shall evaluate:

(1) The cost of recruitment, training, and retention for quality staff;

(2) The projected need for workers within this class and in the health care industry;

(3) The direct support hourly wage rates, existing funding rates, projected minimum wage and living wage considerations in the District and metropolitan area; and

(4) The reimbursement rate to support and retain health care workers in the home health industry compared to health care workers in long-term care facilities and hospitals.

(e)(1) The rate study shall be completed within 180 days of the applicability date of this section.

(2) DHCF shall transmit the completed rate study to the Council within 15 days of its receipt from the independent third party.

(f) For the purposes of this section, the term "direct support worker" means a paid employee who performs at least 51% of their job duties providing direct support to persons in the home health care, personal care assistance nursing home care, and assisted living industry in the District.

Sec. 4. Rulemaking.

The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to implement the provisions of this act.

Sec. 5. 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. 6. Fiscal impact statement.

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

ENROLLED ORIGINAL

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), 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
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-526

IN THE COUNCIL FOR THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To require the District of Columbia Public School system or any individual or group of public charter schools operating under a single charter in the District to adopt and implement a home and hospital instruction program that provides academic instruction and support to students who have been or will be absent from their school of enrollment for 10 or more consecutive or cumulative school days during a school year due to a health condition, to establish an appeals process to be administered by the Office of the State Superintendent Education, and to require the Office of the State Superintendent of Education to promulgate implementing regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Students' Right to Home or Hospital Instruction Act of 2020".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Health condition" means a physical or mental illness, injury, or impairment that prevents a student from participating in the day-to-day activities typically expected during school attendance.

(2) "Home or hospital instruction" means academic instruction and support provided to a student participating in a home and hospital instruction program.

(3) "Home and hospital instruction program" means a program that provides instruction and support to students who have been or are anticipated to be absent, on a continuous, partial, or intermittent basis, from their school of enrollment for 10 or more consecutive or cumulative school days during a school year due to a health condition.

(4) "Home and hospital instruction policy" means a public document written by an LEA that:

(A) Sets forth the process for applying for home or hospital instruction and appealing a denial of eligibility; and

(B) Includes the required contents of a medical certification of need.

(5) "IDEA" means the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*), and its implementing regulations.

(6) "IEP" means an Individualized Education Plan, which is a written plan that specifies special education programs and services to be provided to meet the unique educational needs of a child with a disability, as required under section 614(d) of IDEA (20 U.S.C. § 1414(d)).

(7) "LEA" means local education agency, which is the District of Columbia Public School system or any individual or group of public charter schools operating under a single charter in the District.

(8) "Medical certification of need" means a written statement signed by a licensed physician, licensed nurse practitioner, licensed clinical psychologist, licensed mental health counselor or therapist, or physician's assistant that:

(A) Certifies that a student has been diagnosed with a health condition and explains how the health condition has caused or is anticipated to cause the student to be absent, on a continuous, partial, or intermittent basis, from the student's school of enrollment for 10 or more consecutive or cumulative school days during a school year;

(B) Contains a recommendation that the student receive home or hospital instruction, to the extent permitted by the student's health condition;

(C) States the anticipated duration of the student's health condition; and

(D) States whether the student's health condition is anticipated to cause continuous, partial, or intermittent absence from school.

(9) "Medical recertification of need" means a medical certification of need verifying the continued need for home or hospital instruction.

(10) "OSSE" means the Office of the State Superintendent of Education established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code § 38-2601).

(11) "Parent" means a parent, guardian, or other person who has custody or control of a student enrolled in a school or in an LEA, a student who is 18 years or older, or an emancipated minor.

(12) "Section 504" means section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794), and its implementing regulations.

(13) "Section 504 Plan" means a written plan that specifies the accommodations and services provided to a student pursuant to Section 504.

Sec. 3. Home and hospital instruction program.

(a) Beginning in school year 2022-2023, every LEA shall adopt and implement a home and hospital instruction program. Such a program shall:

(1) Be designed to promote a participating student's academic progress, allow the student to stay current with classroom instruction in core subjects to the greatest extent possible, foster coordination between the student's classroom teachers and the home or hospital

instructors, and facilitate the rapid reintegration into classroom instruction when the student returns to school; and

(2) Ensure coordination of home or hospital instruction with any special education services, IEP, or Section 504 plan the student receives or is eligible to receive and the continued provision of any special education and related services and accommodations to the student.

(b) Every LEA shall designate at least one employee to manage the LEA's home and hospital instruction program.

(c) Nothing in this act shall alter an LEA's obligations under IDEA, Section 504, or the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12101 *et seq.*).

Sec. 4. Home or hospital instruction approval process.

(a)(1) A parent of a student may submit an oral or written request for home or hospital instruction to the LEA in which the student for whom the parent is requesting the instruction is enrolled; provided, that a request may not be granted until the parent submits a written application consistent with the requirements of this subsection.

(2) Upon receipt of a request for home or hospital instruction from a parent of a student enrolled in the LEA, the LEA shall document the request no later than 2 school days following receipt and shall provide information to the parent explaining the process for submitting a written application for home or hospital instruction and obtaining a medical certification of need.

(3) A student shall be approved for home or hospital instruction when the LEA in which the student is enrolled receives a completed written application and medical certification of need. An LEA may deny an application for home or hospital instruction only in the event that the application or a medical certification of need is missing or incomplete. Nothing in this provision shall prohibit an LEA, as part of its review of the application and medical certification, from proposing accommodations to allow the student to remain in school; provided, that the medical professional signing the medical certification of need shall agree in writing that such accommodations meet the medical needs of the student and permit in-school instruction.

(4) Upon approval of an application for home or hospital instruction pursuant to this subsection, the LEA shall commence the delivery of such instruction in accordance with section 7 of this act. During the provision of such instruction, the LEA may make reasonable requests for information concerning the student's continuing medical need for home or hospital instruction and work with a student's parent to develop accommodations or measures that would permit the student to return to school.

(5) OSSE shall promulgate regulations to define what constitutes a completed application and medical certification of need and any other regulations that may be necessary to ensure due deference to the medical opinions set forth in the medical certification of need while facilitating the return of the student to school when medically feasible.

(c)(1) The LEA shall issue a written decision approving or denying a home or hospital instruction program application submitted pursuant to subsection (a) of this section. The decision shall contain a written explanation of the basis for the approval or denial, and if the LEA denies an application, the decision shall state specifically that the basis for its determination was a missing or incomplete application or medical certification of need.

(2) The LEA shall issue the written decision required by paragraph (1) of this subsection no later than 5 days after the receipt of the application for home or hospital instruction.

Sec. 5. Termination or extension of home or hospital instruction.

(a) Except as provided in subsection (b) of this section, a student's home or hospital instruction shall last no longer than the estimated duration of the student's health condition, as provided in the student's medical certification of need, or 60 days, whichever is less.

(b) A parent may extend a student's home or hospital instruction for additional periods of no more than 60 days each by submitting a medical recertification of need at least 5 days before the date on which the parent desires the extension to commence. A medical recertification of need shall not be required to be submitted for home or hospital instruction that occurs during a period of less than 60 days from the date home or hospital instruction commences.

Sec. 6. Mediation and appeals process.

(a) OSSE shall administer an appeals and mediation process for the denial of an application for home or hospital instruction submitted pursuant to section 4 or 5.

(b) A parent has a right to appeal the approval or denial decision made by the LEA. The appeals and mediation process is as follows:

(1) A parent shall submit a written request for an appeal to OSSE within 10 days of receipt of the LEA's written decision. The request for an appeal shall include a copy of the medical certification of need in support of the request for home or hospital instruction and a copy of the LEA's decision, as well as any other information required by OSSE in its published policies.

(2) OSSE shall provide mediation between the LEA and the parent. If the mediation fails to resolve the issues raised by the appeal within 8 school days following receipt of the appeal or such other time as mutually agreed to by the parties, the appeal shall be reviewed by a 3-member appeals panel within OSSE. In the event the matter is referred to the appeals panel, the parent may request an opportunity to be heard before the panel.

(3) The parent shall have the burden of proof on appeal to the appeals panel; provided, that there shall be a presumption in favor of the medical opinion set forth in the medical certification of need submitted in support of the request for home or hospital instruction. The LEA shall have the burden of proof in seeking to rebut this presumption through the submission of evidence from a qualified health care professional.

(4) The appeals panel shall issue a written response to the parent's request for an appeal no later than 10 school days following receipt of the appeal.

(5) The LEA shall implement the decision of the appeals panel no later than 5 days following its issuance.

Sec. 7. Delivery of home or hospital instruction.

(a) An LEA shall begin delivering home or hospital instruction no later than 5 school days following an approval of an application for home or hospital instruction.

(b) An LEA shall provide a minimum number of hours per week of direct instruction for eligible students according to the medical certification of need.

(1) For eligible students absent on an intermittent or partial basis, the LEA may adjust the minimum required amount of direct instruction based on the student's schedule and amount of in-school instruction the student is expected to receive.

(2) For purposes of this subsection, the term "direct instruction" means instruction provided in-person by a home or hospital instructor or, with the consent of the parent, instruction provided by a home or hospital instructor via real-time videotelephony; provided, that an LEA may provide direct instruction via real-time videotelephony without the consent of the parent in the following circumstances:

(A) During a public health emergency;

(B) When the student has been diagnosed with a communicable disease;

(C) When a household member has been diagnosed with a communicable Disease, if the student is to receive instruction at home; or

(D) When the LEA determines safety concerns prevent the delivery of in-person services.

(c) An LEA shall develop a home and hospital instruction program that provides content aligned to that being provided in the student's classroom.

(d) To satisfy the provisions of this section, an LEA may:

(1) Employ staff to provide instructional services to a student;

(2) Contract with private providers to deliver instructional services;

(3) Contract with other LEAs to provide instructional services; or

(4) Combine any of the delivery options described in paragraphs (1) through (3) of this subsection.

Sec. 8. Attendance.

An LEA shall maintain a student receiving home or hospital instruction on the regular attendance roll and count the student as medically excused, except when a student is not available for home or hospital instruction, in which event the student may be counted absent.

Sec. 9. Healthcare institutions.

(a) A healthcare institution that admits a student approved to receive home or hospital instruction under this act shall, consistent with its obligations under federal and state law, cooperate and coordinate with the student's LEA in providing such instruction to the student.

(b) Each healthcare institution referenced in subsection (a) of this section shall establish a point of contact to coordinate home or hospital instruction with the LEA.

Sec. 10. Transparency and accountability.

(a) Every LEA shall publish its written home and hospital instruction policy online in a reader-friendly format and provide a copy of the home and hospital instruction policy to parents after a request for home or hospital instruction has been made.

(b) On an annual basis, each LEA shall report to OSSE approvals or denials to provide home or hospital instruction made, including the reasons for denial, the name of the individual who provided the medical certification of need, and the type of instruction delivered.

(c) Upon submission of an application for home or hospital instruction, the LEA shall require its home or hospital designee to provide the parent with a notice of their rights as they pertain to IDEA and Section 504, as appropriate.

Sec. 11. Rulemaking authority.

No later than 120 days after the applicability date of this act, OSSE shall promulgate regulations to implement the provisions of this act.

Sec. 12. 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 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. 13. 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).

ENROLLED ORIGINAL

Sec. 14. 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
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To amend the District of Columbia Unemployment Compensation Act to clarify that the classification of employers required to participate in the District's unemployment compensation system includes states and Indian tribes or any instrumentality of one or more of the aforementioned entities which is wholly-owned by one or more of the aforementioned entities, and to allow for, and determine the rate of, alternative unemployment compensation contributions by a government entity or instrumentality.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Employer Classification Amendment Act of 2020".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 51-101) is amended as follows:

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

(A) Sub-subparagraph (ii) is amended to read as follows:

"(ii) Service performed after December 31, 1977, in the employ of the District or any state, or political subdivision thereof, or an Indian tribe; any instrumentality of one or more of the foregoing entities that is wholly owned by one or more of the foregoing entities; or any instrumentality of the District or one or more states, or political subdivisions thereof, to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by section 3301 of the Federal Unemployment Tax Act, approved August 16, 1954 (68A Stat. 439; 26 U.S.C. § 3301)) ("Unemployment Tax Act"); except, that it does not include service described in paragraph (2)(A)(iv) of this section or section 3309(b) of the Unemployment Tax Act (26 U.S.C. § 3309(b)), or to service exempted from compensation pursuant to section 3304(a)(6)(A) of the Unemployment Tax Act (26 U.S.C. § 3304(a)(6)(A)).".

(B) Sub-subparagraph (iii) is amended to read as follows:

"(iii) Service performed after March 30, 1962, in the employ of an educational organization, and service performed after December 31, 1971, in the employ of a religious, charitable, or other organization described in section 501(c)(3) of the Internal Revenue

Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(c)(3)) ("Internal Revenue Code"), which is exempt from income tax under section 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)); except, that it does not include service described in paragraph (2)(A)(iv) of this section or section 3309(b) of the Unemployment Tax Act (26 U.S.C. § 3309(b)), or to service exempted from compensation pursuant to section 3304(a)(6)(A) of the Unemployment Tax Act (26 U.S.C. § 3304(a)(6)(A)).".

(2) A new paragraph (27) is added to read as follows:

"(27) "Indian tribe" shall have the same meaning as provided in section 3306(u) of the Unemployment Tax Act (26 U.S.C. § 3306(u)).".

(b) Section 3 (D.C. Official Code § 51-103) is amended as follows:

(1) Subsection (c)(2) is amended by adding a new subparagraph (G) to read as follows:

"(G) Federal Pandemic Unemployment Compensation benefits paid to an individual pursuant to section 2104 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 318), shall not be charged against an employer's account.".

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

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

"(1)(A) If the District elects to cover employees under this act under the provisions of section 1(2)(H)(i), or if any of its instrumentalities are required to be covered under this act, in lieu of contributions required of employers under this act, the District shall pay into the Fund an amount equivalent to the amount of benefits paid to individuals based on wages paid by the District.

"(B) In lieu of contributions required of employers under this act, a government entity or instrumentality that would otherwise be liable for contributions pursuant to section 1(2)(A)(ii) may pay into the Fund an amount equivalent to the amount of benefits paid to individuals based on wages paid by the government entity or instrumentality.

"(C) If benefits paid to an individual are based on wages paid by the District, or another government entity or instrumentality, and one or more other employers, the amount payable by the District or other government entity or instrumentality to the Fund shall bear the same ratio to total benefits paid to the individual as the base-period wages paid to the individual by the District or other government entity or instrumentality bears to the total amount of the base-period wages paid to the individual by all of his base-period employers.".

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

(i) Strike the phrase "and shall" and insert the phrase "and, with respect to the District, shall" in its place.

(ii) Strike the phrase "District of Columbia" both times it appears and insert the word "District" in its place.

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

ENROLLED ORIGINAL

(i) Strike the phrase "District shall be" and insert the phrase "District or any government entity or instrumentality liable for contributions pursuant to section 1(2)(A)(ii) shall be" in its place.

(ii) Strike the phrase "paid to employees of the District" and insert the phrase "paid to its employees" in its place.

(iii) Strike the phrase "the District will be chargeable if it elects to pay contributions, or will" and insert the phrase "the District or any government entity or instrumentality liable for contributions pursuant to section 1(2)(A)(ii) shall be chargeable if it elects to pay contributions, or shall" in its place.

(iv) Strike the phrase "District." and insert the phrase "District or respective governmental entity or instrumentality." in its place.

Sec. 4. 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. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-528

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To order the closing of portions of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W., and the transfer of jurisdiction to the Secretary of the Navy of the closed portion of Keel Avenue, S.W., in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W., and the transfer of jurisdiction back to the Secretary of the Navy, S.O. 14-21786, Act of 2020".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council of the District of Columbia finds the portions of the streets shown by the hatch-marks on the Surveyor's plat in the official file for S.O. 14-21786 are unnecessary for street purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat.

(b) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with section 1 of An Act To authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council of the District of Columbia authorizes the transfer of jurisdiction from the District of Columbia to the United States (Secretary of the Navy) of the portion of Keel Avenue, S.W., being closed, as shown on the Surveyor's Plat.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.472).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia 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
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-529

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To order the closing of a portion of the public alley system in Square 5860, abutting Lots 97, 1025 through 1031, and 1037, Parcel 231/8 and Lot 800 in Square 5600, contingent upon the establishment of public access easements in Square 5860, in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Columbian Quarter Alley in Square 5860 Act of 2020".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds the 15-foot wide portion of the public alley system in Square 5860, as shown on the Surveyor's plat filed in S.O. 16-27269, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The ordering of this alley closing is contingent upon the execution and recordation of public access easements (consistent with the committee report for this act) for the 45-foot and 20-foot easement areas as shown on the Surveyor's plat.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To order the closing of a portion of the public alley system in Square 740, bounded by K Street, S.E., First Street, S.E., L Street, S.E., and New Jersey Avenue, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 740, S.O. 18-41567, Act of 2020".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983, (D.C. Law 4- 201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 740, as shown on the Surveyor's plat filed in S.O. 18-41567, is unnecessary for alley purposes and orders it closed with title to the land to vest as shown on the Surveyor's plat.

(b) The ordering of this alley closing is contingent upon the execution and recordation of a public access easement (consistent with the committee report for this act) for a 20-foot easement area as shown on the Surveyor's plat.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia 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
December 17, 2020

ENGROSSED ORIGINAL

AN ACT

D.C. ACT 23-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To order the closing of a portion of Morton Street, N.W., adjacent to Squares 3039 and 3040, and a portion of the public alley system in Square 3039, to accept the dedication of land for 6th Street, N.W., Luray Place, N.W., and an extension of Morton Street, N.W., adjacent to Squares 3039, 3040, and 3043, for public street purposes, and to accept the dedication of land in Square 3039 for public alley purposes, in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Streets and Alleys and Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 3039, 3040, and 3043, S.O. 17-21093 and S.O. 17-21094, Act of 2020".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closings and Acquisitions Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) ("Act"), the Council finds that the portions of the public street and alley system within or adjacent to Squares 3039 and 3040, as shown on the Surveyor's plat filed in S.O. 17-21093, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat.

(b) Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304 and 421 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.21), the Council accepts the dedication of land within or adjacent to Squares 3039, 3040, and 3043, and designates the dedicated land as 6th Street, N.W., Luray Place, N.W., and Morton Street, N.W., respectively, as shown on the Surveyor's plat filed under S.O. 17-21094.

ENGROSSED ORIGINAL

Sec. 3. The ordering of the street and alley closures and acceptance of the dedications specified in section 2 are contingent upon satisfying all the conditions proposed by the District Department of Transportation, DC Water, and Washington Gas and set forth in the official files for S.O. 17-21093 and S.O. 17-21094 prior to the recordation of the closing by the Surveyor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2020

To amend Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations to permit a minor, 11 years of age or older, to receive a vaccine, if the minor is capable of meeting the informed consent standard and the vaccination is recommended by the United States Advisory Committee on Immunization Practices and provided in accordance with United States Advisory Committee on Immunization Practices' recommended vaccinations schedule, to establish how a minor shall be deemed to meet the informed consent standard, to require the Department of Health to produce age-appropriate alternative vaccine information sheets, and to prohibit an insurer from sending an Explanation of Benefits, to allow a minor access to the minor's immunization records; and to amend the Student Health Care Act of 1985 to require a physician to submit the immunization record directly to the minor's school if the parent is utilizing a religious exemption or is opting out of receiving the Human Papillomavirus vaccine.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Minor Consent for Vaccinations Amendment Act of 2020".

Sec. 2. Chapter 6 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR § 600) is amended by adding a new subsection 600.9 to read as follows:

"600.9 (a) A minor, 11 years of age or older, may consent to receive a vaccine if the minor is capable of meeting the informed consent standard, the vaccine is recommended by the United States Advisory Committee on Immunization Practices ("ACIP"), and will be provided in accordance with ACIP's recommended immunization schedule.

"(b) For the purposes of this subsection, a minor shall be deemed to meet the informed consent standard if the minor is able to comprehend the need for, the nature of, and any significant risks ordinarily inherent in the medical care.

"(c) The Department of Health shall produce one or more age-appropriate alternative vaccine information sheets, which shall be made available before vaccination of minors to support providers for use in the informed consent process.

"(d)(1) Providers who administer immunizations under the authority of this subsection shall seek reimbursement, without parental consent, directly from the insurer, which may be Medicaid, Alliance, or private insurance. The provider shall notify the insurer that the immunization has been provided under the authority of this section.

"(2) Insurers shall not send an Explanation of Benefits for services provided under the authority of this subsection.

"(e) A minor who receives services provided under the authority of this subsection shall have access to the minor's immunization records without parental consent.".

Sec. 3. Section 3(a) of the Student Health Care Act of 1985, effective December 2, 1985 (D.C. Law 6-66; D.C. Official Code § 38-602(a)), 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) If a minor student is utilizing a religious exemption for vaccinations or is opting out of receiving the Human Papillomavirus vaccine, but the minor student is receiving vaccinations under section 600.9 of Title 22-B of the District of Columbia Municipal Regulations (22-B DCMR § 600.9), the health care provider shall leave blank part 3 of the immunization record, and submit the immunization record directly to the minor student's school. The school shall keep the immunization record received from the health care provider confidential; except, that the school may share the record with the Department of Health or the school-based health center.".

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 (12 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

UNSIGNED

Mayor
District of Columbia
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 23, 2020

To require, on a temporary basis, the Metropolitan Police Department to provide a written report every 2 pay periods on its overtime pay spending to the Council, and to require those reports to include the amount spent year-to-date on overtime pay and describe the staffing plan and conditions justifying the overtime pay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Overtime Spending Accountability Temporary Act of 2020".

Sec. 2. Metropolitan Police Department overtime pay reporting.

(a) The Metropolitan Police Department ("MPD") shall provide a written report every 2 pay periods on MPD's overtime pay spending to the Council.

(b) The report required by subsection (a) of this section shall include the amount spent year-to-date on overtime pay, and a description of the staffing plan and conditions justifying the overtime pay.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

Chairman
Council of the District of Columbia

~~UNSIGNED~~
Mayor
District of Columbia
December 17, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency with respect to authorizing and providing for the issuance, sale, and delivery in an aggregate principal amount not to exceed $70 million of District of Columbia revenue bonds in one or more series, and to authorize and provide for the loan of the proceeds of such bonds to assist Friendship Public Charter School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2020".

Sec. 2.(a) Friendship Public Charter School, Inc. ("Borrower"), is a nonprofit corporation organized and existing under the laws of the District of Columbia, which seeks to have District of Columbia revenue bonds issued and receive a loan of the proceeds thereof.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of the Project.

(c) Interest rates on tax-exempt bonds are presently low, but recent market trends indicate that the market is volatile, and there is uncertainty concerning how long interest rates will remain low. For the Borrower to benefit from currently low interest rates on the District of Columbia revenue bonds, the issuance needs to occur as soon as possible.

(d) Further, due to the national emergency relating to the virus commonly referred to as COVID-19, the Friendship Campuses are currently unoccupied or minimally occupied. The Borrower wishes to commence construction and renovations on the Friendship Campuses as soon as possible while classrooms are unoccupied in order to cause fewer disruptions to the students.

(e) Finally, the Borrower is requesting emergency approval of its bond resolution at this time in case of any unforeseen delays or complications the Council might encounter due to COVID-19, which might impact the passing of the Borrower's bond resolution.

(f) Council approval on an emergency basis of the bond resolution authorizing the issuance of up to $70 million of District of Columbia revenue bonds will permit the revenue bonds to be issued promptly and enable the Project to be completed.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Approval Resolution of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery in an aggregate principal amount not to exceed $70 million of District of Columbia revenue bonds in one or more series and for the loan of the proceeds of such bonds to assist Friendship Public Charter School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Friendship Public Charter School, Inc. Revenue Bonds Project Emergency Approval Resolution of 2020".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Friendship Public Charter School, Inc., a non-profit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and which is liable for the repayment of the Bonds.

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

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing, refinancing, or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Refunding the District of Columbia Revenue Bonds (Friendship Public Charter School, Inc. Issue) (Series 2012A), originally issued in the aggregate principal amount of $35.78 million pursuant to provisions of the Friendship Public Charter School, Inc. Revenue Bond Project Approval Resolution of 2012, effective July 10, 2012 (Res. 19-478; 59 DCR 9160), the proceeds of which were used to finance the:

(i) Construction of the Tech Prep Academy Campus, classrooms and gymnasium building located at 620 Milwaukee Place, S.E., Washington, D.C. 20032 (Lot 0045, Square 5982) and an adjacent high school located at 2705 Martin Luther King Avenue, S.E., Washington, D.C. 20032 (Lot 0049, Square 5982) (together, "Tech Prep Academy Campus");

(ii) Renovation of an existing building on the Tech Prep Academy Campus;

(iii) Acquisition of furniture, fixtures, and equipment for the Tech Prep Academy Campus;

(iv) Repayment of certain outstanding loans that funded the acquisition of the Tech Prep Academy Campus;

(v) Funding of a debt service reserve fund;

(vi) Payment of certain costs of issuance; and

(vii) Funding of capitalized interest;

(B) The construction and equipping of a new classroom building at the Southeast Elementary Campus and Middle Campus, an approximately 68,000 square foot elementary school located at 640 Milwaukee Place S.E., Washington, D.C. 20032 (Lot 0001, Square 5982) ("Southeast") and the construction and equipping of a new classroom building at the Ideal Elementary Campus and Middle Campus, an approximately 36,856 square foot elementary school located at 6130 North Capitol Street N.W., Washington, D.C. 20011 (Lot 238, Square 35090) ("Ideal Academy");

(C) Certain capital improvements at the Borrower's school facilities at the following locations:

(i) Tech Prep Academy Campus and the adjacent office building located at 642 Milwaukee Place S.E., Washington, D.C. 20032 (Lot 0012, Square 5982) (together, the "Tech Prep Buildings");

(ii) Chamberlain Elementary Campus and Middle Campus, an approximately 80,660 square foot primary and secondary school located at 1345 Potomac Avenue, S.E., Washington, D.C. 20003 (Lot 0847, Square 1046) and 14th Street S.E., Washington, D.C. 20003 (Lot 0848, Square 1046) ("Chamberlain");

(iii) Woodridge Elementary Campus and Middle Campus, an approximately 115,000 square foot primary school located at 2959 Carlton Avenue, N.E., Washington, D.C. 20018 (Lot 812, Square 4339), and 2900 Central Avenue, Washington, D.C. 20018 (Lot 0026, Square 4339), ("Woodridge");

(iv) Blow-Pierce Elementary Campus and Middle Campus, an approximately 62,994 square foot primary school located at 725 19th Street, N.E., Washington, D.C. 20002 (Lots 833, 834, Square 4515) and Claggett Place Street N.E., Washington, DC 20002 (Lot 835, Square 4515), ("Blow-Pierce");

(v) Carter G. Woodson Collegiate Academy, an approximately 151,558 square foot high school located at 4095 Minnesota Avenue, N.E., Washington, D.C. 20019 (Lot 0813, Square 5078) ("Collegiate");

(vi) Southeast; (vii) Ideal Academy;

(viii) Armstrong Elementary Campus and Middle Campus, an approximately 70,000 square foot elementary school located at 1400 1st Street, N.W., Washington, D.C. 20001, also known as 111 O Street N.W., Washington, D.C. 20001 (Lot 844, Square 553) ("Armstrong"); and

(ix) Online Academy, a virtual online school located in an approximately 10,000 square foot facility at 1335 Nicholson Street, N.W., Washington D.C. 20011 (Lot 846, Square 2794) (collectively, "Friendship Campuses");

(D) The purchase of certain equipment and furnishings for the Friendship Campuses, together with other property, real and personal, functionally related and subordinate thereto;

(E) Funding certain working capital costs, to the extent financeable, relating to the Bonds;

(F) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund relating to the Bonds; and

(G) Paying allowable Issuance Costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $70 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facility is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $70 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

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

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the

District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec.12. Maintenance of documents.

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

Sec.13. Information reporting.

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

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the

issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the existence of an emergency with respect to the need to expeditiously adopt the Launchpad Development Two DC, LLC Revenue Bonds Project Emergency Approval Resolution of 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Launchpad Development Two DC, LLC Revenue Bonds Project Emergency Declaration Resolution of 2020".

Sec. 2. Launchpad Development Two DC, LLC ("Borrower"), a single member limited liability company and a disregarded entity of Launchpad Development Company, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, has requested that the District of Columbia issue revenue bonds in one or more series ("Bonds").

(b) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of:

(1) Financing the acquisition, improvement, equipping, furnishing, and development of an educational facility located at 4250 Massachusetts Avenue, S.E., Washington, D.C., and certain parking facilities and other property, real and personal, related thereto (together, "Facility"), which will be owned or operated by the Borrower;

(2) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(3) Paying for capitalized interest; and

(4) Paying for Issuance Costs and other related costs, to the extent permissible.

(c) Due to the contractual obligation of the Borrower to close on the Facility by January 31, 2021, it is important to expedite the process for the issuance of the Bonds and avoid any delay that could adversely affect the cost to the Borrower. Current national health issues and laws promulgated to deal with the COVID-19 pandemic allow entities such as the Borrower to take advantage of very low interest rates and provides them with the opportunity to be in a better financial position during and after the pandemic.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Launchpad Development Two DC, LLC Revenue Bonds Project Emergency Approval Resolution of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $32 million of District of Columbia revenue bonds in one or more series pursuant to a plan of finance and to authorize and provide for the loan of the proceeds of such bonds to assist Launchpad Development Two DC, LLC in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Launchpad Development Two DC, LLC Revenue Bonds Project Emergency Approval Resolution of 2020".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

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

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Launchpad Development Two DC, LLC, a single member limited liability company and a disregarded entity of Launchpad Development Company, an organization exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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

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

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Financing the acquisition, improvement, equipping, furnishing, and development of an educational facility located at 4250 Massachusetts Avenue S.E., Washington, D.C., and certain parking facilities and other property, real and personal, related thereto (together, "Facility"), which will be owned and/or operated by the Borrower;

(B) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(C) Paying for capitalized interest; and

(D) Paying for Issuance Costs and other related costs to the extent permissible.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or

indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $32 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $32 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

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

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

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

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

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

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

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

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

Sec.12. Maintenance of documents.

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

Sec.13. Information reporting.

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

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution, or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 7 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Common Interest Community Virtual Meeting Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On October 20, 2020, the Council passed the Common Interest Community Virtual Meeting Emergency Amendment Act of 2020, effective November 2, 2020 (D.C. Act 23-453; 67 DCR 13075) ("Emergency Act"), which expires on January 6, 2021.

(b) On November 10, 2020, the Council passed the Common Interest Community Virtual Meeting Temporary Amendment Act of 2020, enacted on December 7, 2020 (D.C. Act 23-501; 67 DCR 14385) ("Temporary Act"), which will not be transmitted to Congress until January 2021.

(c) This identical emergency legislation is necessary to prevent a gap in the law between the expiration of the Emergency Act and the effective date of the Temporary Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Common Interest Community Virtual Meeting Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to expand the offense of defacement of certain symbols or display of certain emblems.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Community Harassment Prevention Second Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On October 6, 2020, the Council passed the Community Harassment Prevention Emergency Amendment Act of 2020, effective October 29, 2020 (D.C. Act 23-434; 67 DCR 12987) ("emergency act"). The emergency act will expire on January 19, 2021.

(b) On October 20, 2020, the Council passed the Community Harassment Prevention Temporary Amendment Act of 2020, enacted on November 16, 2020 (D.C. Act 23-493; 67 DCR 13915) ("temporary act"), which is pending transmittal to Congress.

(c) On December 15, 2020, the Council will take the final vote on the Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020, passed on 1st reading on December 1, 2020 (Engrossed version of Bill 23-409) ("permanent bill"). One section of the permanent bill contains provisions substantially similar to the emergency and temporary acts.

(d) This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act. However, since the permanent bill is also moving forward along a similar timeline, this congressional review emergency legislation conforms to the language of the permanent bill, rather than that of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Community Harassment Prevention Second Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To reappoint Ms. Katharine Aiken Huffman to the Corrections Information Council Governing Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Corrections Information Council Governing Board Katharine Aiken Huffman Reappointment Resolution of 2020".

Sec. 2. The Council of the District of Columbia reappoints:

Katharine Aiken Huffman
Woodley Place, N.W.
Washington, D.C. 20008
(Ward 3)

as a member of the Corrections Information Council Governing Board, established by section 11201a(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(b)), to serve a 2-year term to end on May 4, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the Corrections Information Council Governing Board, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To reappoint Ms. Molly M. Gill to the District of Columbia Sentencing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020".

Sec. 2. The Council of the District of Columbia reappoints:

Molly M. Gill
17th Street, S.E.
Washington, D.C. 20003
(Ward 6)

as a citizen of the District of Columbia member of the District of Columbia Sentencing Commission, established by section 2 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-year term to end on July 2, 2023.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the District of Columbia Sentencing Commission, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To confirm the reappointment of Mr. Thorn Pozen to the Metropolitan Washington Airports Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Metropolitan Washington Airports Authority Board of Directors Thorn Pozen Confirmation Resolution of 2020".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Thorn Pozen
P Street, N.W.
Washington, D.C. 20007
(Ward 2)

as a member of the Metropolitan Washington Airports Authority Board of Directors, established by section 5 of the District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Official Code § 9-904), for a 6-year term to end January 5, 2027.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, to the Metropolitan Washington Airports Authority, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To confirm the appointment of Mr. Chapman Todd to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Chapman Todd Confirmation Resolution of 2020".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Chapman Todd
43rd Place, N.W.
Washington, DC 20016
(Ward 3)

as a member, representing the nonprofit housing production community, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), replacing Sue Ann Marshall, for a term to end January 14, 2023.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To confirm the reappointment of Ms. Lisa M. Gregory to the Rental Housing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rental Housing Commission Lisa M. Gregory Confirmation Resolution of 2020".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Lisa M. Gregory
O Street, N.W.
Washington, DC 20001
(Ward 2)

as a member of the Rental Housing Commission, established by section 201 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01), for a term to end July 18, 2023.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To confirm the appointment of Mr. John Donnelly as the Chief of the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief of the Fire and Emergency Medical Services Department John Donnelly Confirmation Resolution of 2020".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. John Donnelly
North Dakota Avenue, N.W.
Washington, D.C. 20011
(Ward 4)

as the Chief of the Fire and Emergency Medical Services Department, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 17, 18, and 19 to Human Care Agreement No. CW79329 with MBI Health Services, LLC, for mental health rehabilitative services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Human Care Agreement No. CW79329 Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists a need to approve Modification Nos. 17, 18, and 19 to Human Care Agreement No. CW79329 with MBI Health Services, LLC, for mental health rehabilitation services and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 17, dated August 29, 2020, the Office of Contracting and Procurement, on behalf of the Department of Behavioral Health, exercised partial Option Year 3 of Human Care Agreement No. CW79329 with MBI Health Services, LLC, for the period from September 6, 2020, through December 31, 2020, in the not-to-exceed amount of $950,000.

(c) Modification Nos. 18 was an administrative modification that did not increase the not-to-exceed amount of Option Year 3.

(d) Modification No. 19 is now necessary to exercise the remainder of Option Year 3 of Human Care Agreement No. CW79329 for the period from January 1, 2021, through September 5, 2021, in the not-to-exceed amount of $2.151 million, bringing the total not-to-exceed amount for Option Year 3 to $3.101 million.

(e) Because the modifications increase the value of Human Care Agreement No. CW79329 by more than $1 million during a 12-month period, Council approval is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

(f) Council approval is necessary to allow the continuation of these vital services. Without this approval, MBI Health Services, LLC cannot be paid for goods and services provided in excess of $1 million for the contract period from September 6, 2020 through September 5, 2021.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Human Care Agreement No. CW79329 Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-631

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-WC-21-CPC-00009 between the Not-for-Profit Hospital Corporation, commonly known as United Medical Center, and Manufacturers Alliance Insurance Company for the provision of workers' compensation insurance, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. NFPHC-WC-21-CPC-00009 with Manufacturers Alliance Insurance Company Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-WC-21-CPC-00009 ("Contract") between the Not-for-Profit Hospital Corporation ("Hospital") and Manufacturers Alliance Insurance Company to provide workers' compensation insurance to the Hospital and to authorize payment for the services received and to be received under the Contract.

(b) The proposed Contract seeks to provide workers' compensation insurance coverage for the Hospital for the period of November 23, 2020, to November 22, 2021, in the amount of $1,558,062.

(c) Not only did the Hospital change its broker mid-year, but early proposals received reflected higher premiums that were due to COVID-19 increases for hospitals. But for the broker change and additional time taken to ensure maximum contract value for the Hospital's actual risk, the Contract would have been timely transmitted to the Council.

(d) Emergency approval of the Contract, for a total value of $1,558,062, is necessary to prevent any impact to the Hospital's workers' compensation insurance.

(e) The Contract has an aggregate value that exceeds $1 million in a 12-month period; therefore, Council approval is necessary.

(f) Without Council approval, Manufacturers Alliance Insurance Company cannot be paid for the critical services provided and to be provided in excess of $1 million.

ENROLLED ORIGINAL

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. NFPHC-WC-21-CPC-00009 with Manufacturers Alliance Insurance Company Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to approve multiyear Contract No CW80913 with E-One, Inc. to provide a new foam unit to the Fire and Emergency Medical Services Department, and authorize payment for the goods and services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW80913 with E-One, Inc. Emergency Declaration Resolution of 2020".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Fire and Emergency Medical Services Department, proposes to enter into a multiyear contract with E-One, Inc. to provide a new foam unit.

(b) The price for the term of this multiyear contract with E-One, Inc. is $1,149,659 for the 2-year period of performance.

(c) Approval is necessary to allow the District to receive the benefit of this vital service in a timely manner from E-One, Inc.

(d) These critical services can only be obtained through an award of the multiyear contract with E-One, Inc.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW80913 with E-One, Inc. Emergency Approval Resolution of 2020 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-633

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To approve, on an emergency basis, multiyear Contract No. CW80913 with E-One, Inc. to provide a new foam unit to the Fire and Emergency Medical Services Department, and authorize payment for the goods and services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW80913 with E-One, Inc. Emergency Approval Resolution of 2020".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves Contract No. CW80913 with E-One, Inc. to provide a new foam unit to the Fire and Emergency Medical Services Department and authorizes payment in the amount of $1,149,659 for the goods and services to be received under the contract.

Sec. 3. Transmittal.
The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. 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. 5. Effective date.
This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-634

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2019-LRSP-06A with 2442 MLK, LLC for program units at 2442 MLK Avenue Apartments, located at 2442 Martin Luther King Jr. Avenue, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2019-LRSP-06A Approval Resolution of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18 -371; D.C. Official Code § 2-352.02), the Council approves the long-term subsidy contract, Contract No. 2019-LRSP-06A with 2442 MLK, LLC to provide an operating subsidy in support of 6 affordable housing units in an initial amount not to exceed $121,392 annually.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 4. 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. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to remove the limit on the number of plants that a cultivation center may grow.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medical Marijuana Plant Count Elimination Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*) ("Medical Marijuana Act"), established a medical marijuana program in the District. Pursuant to the Medical Marijuana Act, the Department of Health can register qualifying patients to receive access to medical marijuana without fear of government sanction, to the extent possible without a change in federal laws.

(b) Since passage of the Medical Marijuana Act, the Council and Executive have endeavored to improve access to medical marijuana for patients with the enactment of multiple bills and regulations including the Medical Marijuana Expansion Amendment Act of 2014, the Medical Marijuana Omnibus Amendment Act of 2016, the Medical Marijuana Certified Business Enterprise Preference Emergency Amendment Act of 2018, and most recently, the Student Medical Marijuana Patient Fairness Emergency Amendment Act of 2019.

(c) Current law limits the number of plants that a cultivation center may grow ("plant count limit") to 1,000. This plant count limit was originally 95; the Council raised the limit to 500 plants in 2014, and to 1,000 in 2016, before eliminating it temporarily beginning in 2019 through emergency and temporary legislation, which will expire on January 1, 2021.

(d) The rationale for the plant count limit was to protect the medical marijuana program from interference by the federal government, but federal budget language now prohibits the Department of Justice from interfering with state or territorial medical marijuana programs, including in the District.

(e) As a result, there is no longer a reason to maintain an arbitrary plant count limit rather than allow cultivation centers to grow what is required to meet the market need.

(f) To meet the needs of patients who seek specific strains of medical marijuana or who do not consume medical marijuana by smoking, a greater quantity of medical marijuana is required for the development and provision of unique strains and for production of tinctures, oils, edibles, and other products.

(g) The plant count limit unnecessarily creates a shortage of these products and limits the variety of strains available to patients.

(h) This lack of product puts District of Columbia cultivators and dispensaries at a disadvantage in competition with both the underground market as well as neighboring states with larger medical marijuana programs.

(i) Therefore, there exists an immediate need to amend existing law to remove the arbitrary limit on the number of plants that a marijuana cultivation center may grow.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Plant Count Elimination Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-637

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To confirm the reappointment of Ms. Priya Jayachandran as a member of the Green Finance Authority Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Green Finance Authority Board Priya Jayachandran Confirmation Resolution of 2020".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Priya Jayachandran
47th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member with experience in affordable housing or community development of the Green Finance Authority Board, established by section 201 of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.21), for a term to end July 9, 2023.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-638

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to amend the University of the District of Columbia Expansion Act of 2010 to limit the University of the District of Columbia's permitted use of the Patricia R. Harris Facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "UDC PR Harris Exclusive Use Repeal Emergency Declaration Resolution of 2020".

Sec. 2. (a) In 2010, the Council approved the University of the District of Columbia Expansion Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 10-507.01, note), which gave the University of the District of Columbia ("UDC") the exclusive use of the closed Patricia R. Harris Educational Center School property ("PR Harris"). PR Harris is located at 4600 Livingston Road, S.E.

(b) UDC was to use PR Harris to expand its Workforce Development and Lifelong Learning ("WDLL") program, thereby making WDLL courses more accessible to individuals who reside in Wards 7 and 8.

(c) For years UDC, along with several public charter schools, used PR Harris, but given its huge footprint and the need for an extensive modernization UDC began to look for other locations in Ward 8 for its WDLL courses. It also agreed to sever its exclusive use rights so that the District could dispose of PR Harris but wanted to retain the right to stay in the building, even if the District disposed of it, until it could find a new location.

(d) In 2017, the Council approved the UDC Patricia R. Harris Facility Exclusive Use Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 10-507.01, note) ("act"), which severed UDC's exclusive right to PR Harris if the Mayor disposed of the building but still allowed UDC to lease or sublease a portion of it.

(e) After the act was approved, the Office of the Deputy Mayor for Education, on behalf of the Mayor, issued a request for offer, or RFO, to dispose of the property. The award was given to the Charter School Incubator Initiative ("CSII") to use a portion of PR Harris to manage and maintain the facility for authorized public charter schools, accommodate UDC, the District of Columbia Fire and Emergency Medical Service Department, and the local Advisory

Neighborhood Commission. Since 2011, CSII has leased a portion of PR Harris and then entered into subleases with 3 public charter schools, 2 of which are still in effect To ensure that CSII or the public charter schools are not displaced once UDC's exclusive use is removed, the emergency clarifies that any rights or obligations that UDC has under any existing leases will transfer to the District for a new lease pursuant to the RFO with CSII.

(f) To date, the District has not entirely disposed of PR Harris pursuant to the RFO award, so UDC retains exclusive use of the facility. Although UDC maintains a Ward 8 food hub in the parking lot and operates a greenhouse outside of the main building of PR Harris, it has vacated the rest of the facility. However, the Department of General Services and the public charter schools that are located in PR Harris expect UDC to fix any issues that arise in the building as the law stipulates that UDC has exclusive use of the building. This places a burden on UDC, and, given the current fiscal climate in the District, it is important that UDC is not financially responsible for PR Harris. Thus, an immediate need exists to repeal UDC's exclusive use of PR Harris.

(g) Emergency legislation would repeal UDC's exclusive use of PR Harris, regardless of whether the District has disposed of the facility. Additionally, because UDC does have a food hub, which is part of the University's CAUSES program, and would like one office in PR Harris to support that food hub, the emergency maintains UDC's right to maintain its Ward 8 food hub, greenhouses, and an office space in the building, even if the District disposes of the facility.

(h) Additionally, to ensure that all parties are clear as to what sufficient office space and Ward 8 food hub encompass, the emergency indicates that sufficient office space will be dictated by an agreement that UDC and the Mayor will enter into no later than 45 days of the effective date of the emergency. Moreover, the emergency allows UDC and the Mayor to enter into an agreement to provide a different scope for the Ward 8 food hub other than what is provided for in the emergency.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the UDC PR Harris Exclusive Use Repeal Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-639

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare an emergency with respect to the need to order the closing of the existing public alley in Square 5116; to accept the dedication of land for a new east-west public street between Kenilworth Avenue, N.E., and 45th Street, N.E., and a new north-south street extending from Quarles Street, N.E.; and to remove the building restriction lines along the east side of 45th Street, N.E., and the south side of Quarles Street, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Kenilworth Courts Redevelopment Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close the existing alley in Square 5116, accept the dedication of land for a new east-west public street between Kenilworth Avenue, N.E., and 45th Street, N.E., and a new north-south street extending from Quarles Street, N.E., and to remove the building restriction lines along the east side of 45th Street, N.E., and the south side of Quarles Street, N.E., as shown on the Surveyor's plat filed in S.O. 16-23580.

(b) The closing of the public alley and dedication of land will facilitate phase one of the redevelopment of the District of Columbia Housing Authority property known as Kenilworth Courts. Phase one of the development will consist of 166 residential units, 89 of which will replace demolished public housing units.

(c) The Committee of the Whole marked up a permanent version of this legislation on November 17, 2020. First reading took place on November 17, 2020. The bill will be considered for second reading on December 15, 2020. Making the closing effective sooner than congressional review would otherwise allow will enable the project to proceed without the risk of further delay.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Omnibus Kenilworth Courts Redevelopment Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-640

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency, with respect to the need to amend the Displaced Workers Protection Act of 1994 to add a new Title II to provide eligible workers who have been displaced by COVID-19 the opportunity to be reinstated once their employer starts rehiring after the pandemic, and to allow eligible employees to be reinstated and retained employees employed if there is a change in the ownership, controlling interest, or identify of their employer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Displaced Workers Right to Reinstatement and Retention Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, Mayor Bowser issued Mayor's Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the COVID-19 virus. Since then, Mayor Bowser has extended the public health emergency, and it is still in effect.

(b) On March 16, 2020, the Mayor issued Mayor's Order 2020-48, which prohibited gatherings of 50 or more individuals and suspended table seating in restaurants and taverns. Due to the increasing number of COVID-19 cases in the District, on March 24, 2020, the Mayor ordered all non-essential businesses to cease operations. As a result of these necessary actions, the District's hospitality (hotels, restaurants, and entertainment and event venues) and retail industries came to a halt, which resulted in mass lay-offs.

(c) While limited operations have resumed, many individuals are still out of work. Of the more than 7,000 mostly hotel workers that comprise UNITE HERE Local 25, 90% were still out of work as of the beginning of November 2020. Although restaurants have been able to offer take-out or delivery services during the District's lockdown, this is not nearly enough to support an entire restaurant; consequently, most restaurant staff have been laid off. Further, entertainment and event venues either remain closed or have severely restricted capacity, so many of them have reduced their staffing needs or laid off staff entirely. Likewise, retailers have laid off a large portion of their workforce, as they were also closed for an extended period during

the District's lockdown. While many stores have opened since then, sales are only 40-60% of 2019 sales.

(d) Due to the limitations on in-person gatherings and to keep individuals safe, many businesses are teleworking. Only about 10% of employees who work in downtown D.C. have returned to their offices, which, in turn, reduces the need for contract staff such as janitorial or security staff at these buildings. Food service contract workers have also been largely affected by the shutdowns with companies such as Aramark laying off over 800 employees until Capital One Arena and the Convention Center reopen.

(e) All of these employees need reassurance that their jobs will be there when their businesses begin to rehire or reopen and are back to full strength. Although the District has a displaced workers law, the Displaced Workers Protection Act of 1994, effective April 26 1994 (D.C. Law 10-105; D.C. Official Code § 32-101 *et seq.*) ("D.C. Law 10-105"), it only provides protection to employees employed by a contractor in a limited set of circumstances, for example, when a contractor at an establishment is replaced by another. It does not provide protections for contract workers when there is not a change in contractors, nor does it provide a right of return for the thousands of workers displaced because of the pandemic. Moreover, D.C. Law 10-105 does not extend to hospitality or retail workers if their employers sell, change the controlling interest in the employer, or change the employer's identity. The Displaced Workers Right to Reinstatement and Retention Emergency Amendment Act of 2020 ("emergency act") seeks to provide these protections.

(f) The emergency act is identical to the Displaced Workers Right to Reinstatement and Retention Amendment Act of 2020, passed on 1st reading on December 1, 2020 (Engrossed version of Bill 23-965) ("Bill 23-965"), and will have a second reading on December 15, 2020.

(g) Like Bill 23-965, the emergency act does not require employers or contractors to hire back all of their employees regardless of the positions available or to find new positions for employees whose positions have been eliminated; for example, if a restaurant employed someone as a hostess, the restaurant does not have to offer to hire that person back to be a waitress if the restaurant eliminated the hostess position.

(h) The emergency act is not retroactive but requires employers and contractors to comply as of February 1, 2021. This date was chosen because it balances the need for notice to employers and contractors and the need for individuals to have job protection as soon as possible. Although Bill 23-965 also requires employers to comply with the bill as of February 1, 2021, it will take months for Bill 23-965 to become permanent law, meaning that Bill 23-965 will become law after February 1, 2021. To ensure that the relevant employers and displaced workers are aware of the new reinstatement and retention policies and that the law is in place as of February 1, 2021, it is imperative that the emergency act be approved and in place by that date.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances making it necessary that the Displaced Workers Right to Reinstatement and Retention Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Emergency Act of 1980 to extend the Mayor's authority to declare a public health emergency; to amend the Coronavirus Support Temporary Amendment Act of 2020 to clarify certified business enterprise and certified joint venture contracting and subcontracting requirements, to clarify grantmaking authority for public health emergency response grants, to waive community service requirements for school graduations for the 2020-2021 school year, and to extend its sunset date; and to amend the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020 to repeal an obsolete provision.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Coronavirus Public Health Extension Emergency Declaration Resolution of 2020".

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor's Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. Additional orders since have been issued. It is clear that in order to continue to protect public health, the Mayor must continue the public health emergency for the foreseeable future. However, certain provisions of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), and associated legislation, which is currently controlling, should be amended in light of the ongoing pandemic response.

(b) The Mayor's current authority to declare a public health emergency expires on December 31, 2020. To continue to limit the spread of COVID-19, it is necessary to extend the Mayor's authority to continue the public health emergency through March 31, 2021.

(c) Under the current law, beneficiaries of certain government-assisted projects during the public health emergency are subject to a 50% CBE subcontracting requirement, even when the contractor is a CBE. Thus, a CBE acting as the prime contractor can perform only up to 50% of the dollar volume of the contract. It should be clarified that a CBE contractor is not subject to this 50% overall subcontracting requirement if it performs the work itself.

(d) The Bridge Fund provides entities with grant funding to continue operations through the pandemic. A clarification is necessary in the Mayor's grantmaking authority to administer the fund.

(e) Community service graduation requirements for the 2019-2020 school year were waived under previous COVID-related legislation and such waivers should be extended to the 2020-2021 school year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Coronavirus Public Health Extension Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-642

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to amend the Firearms Control Regulations Act of 1975 to establish an Extreme Risk Protection Order Implementation Working Group, to provide for its membership, and to specify its duties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Extreme Risk Protection Order Implementation Working Group Second Emergency Declaration Resolution of 2020".

Sec. 2. (a) On December 18, 2018, the Council passed the Firearms Safety Omnibus Amendment Act of 2018, effective May 10, 2019 (D.C. Law 22-314; 66 DCR 1672), which created the District's "red flag" law.

(b) The District's "red flag" law allows concerned family and household members, mental health professionals, and law enforcement officials to file extreme risk protection orders with the Superior Court to have firearms and ammunition removed from people who pose a significant danger to themselves or others.

(c) On March 3, 2020, the Council passed the Extreme Risk Protection Order Implementation Working Group Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-252; 67 DCR 3467) ("emergency act"), which expired on June 15, 2020.

(d) The emergency act created an Extreme Risk Protection Order Implementation Working Group ("Working Group"), provided for its membership, and specified its duties. The intent behind creating the Working Group was to formally coordinate the efforts of District agencies, federal partners, gun safety experts, and community members to assist with the implementation of the District's red flag law. The Working Group is currently set to sunset on July 15, 2021.

(e) On March 17, 2020, the Council passed the Extreme Risk Protection Order Implementation Working Group Temporary Amendment Act of 2020, effective June 17, 2020 (D.C. Law 23-107; 67 DCR 3950) ("temporary act"), which is set to expire on January 28, 2021.

(f) On December 15, 2020, the Council will pass the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 1st reading on December 1, 2020 (Engrossed version of Bill 23-127) ("permanent bill"). Section 102 of the permanent bill makes the Working Group permanent and extends its sunset date, in part due to the COVID-19 public health emergency.

(g) This emergency legislation is now necessary to maintain the provisions of the temporary act until the permanent bill becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extreme Risk Protection Order Implementation Working Group Second Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD
ANNOUNCES A PUBLIC ROUNDTABLE

on

MEDICAL CANNABIS DELIVERY PROPOSED RULEMAKING

on

WEDNESDAY, JANUARY 6, 2021, at 10:30 A.M.

FRANK D. REEVES MUNICIPAL CENTER
ALCOHOLIC BEVERAGE CONTROL BOARD HEARING ROOM
2000 14TH STREET, N.W., SUITE 400 SOUTH, 4TH FLOOR
WASHINGTON, D.C. 20009

The Alcoholic Beverage Control Board (Board) announces a public roundtable to solicit comments regarding medical cannabis delivery in the District prior to the Board issuing a notice of proposed rulemaking. The roundtable will take place on **Wednesday, January 6, 2021, at 10:30 a.m.**

The purpose of the hearing is to solicit comments from members of the medical cannabis industry as well as District residents concerning the delivery of medical cannabis. On December 9, 2020, the Board adopted the Medical Marijuana Notice of Third Emergency Rulemaking. The emergency rules superseded the previously adopted emergency rulemaking by (1) increasing the number of delivery vehicles from one to three; (2) requiring delivery drivers to be employees of the dispensary; and (3) expanding the hours of delivery from 11 a.m. to 7 p.m. to 9 a.m. to 9 p.m. The Board is now soliciting comments regarding medical cannabis delivery in the District that will be utilized to develop and issue a notice of proposed rules.

HEARING INFORMATION

WHEN: 10:30 a.m. on Wednesday, January 6, 2021

FORMAT: Virtual Hearing Conducted by the Alcoholic Beverage Control Board

Individuals and representatives of organizations who want to testify should contact ABRA General Counsel Martha Jenkins at abra.legal@dc.gov no later than **Wednesday, December 30, 2020**. Please include the **full name, title, and organization, if applicable, contact number, and e-mail address** of the person(s) testifying in the e-mail. Instructions regarding your participation in the virtual hearing will be emailed to you once you notify ABRA of your interest.

Members of the public who are unable to participate in the virtual hearing are encouraged to provide written comments which will be made a part of the Board's official record. Copies of written statements should be submitted to ABRA General Counsel Martha Jenkins no later than **4 p.m. on Friday, January 15, 2021**, at ABRA's mailing address or e-mail address provided above.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
12/25/2020

Notice is hereby given that:
License Number: ABRA-116067 **License Class/Type: C Tavern**
Applicant: The Culinary District, Inc.
Trade Name: 1914 by Kolben
ANC: 1B02

Has applied for the renewal of an alcoholic beverage license at the premises:
1914 9th ST NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
3/1/2021

A HEARING WILL BE
3/22/2021

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 2 am	12 pm - 2 am	-
Monday:	12 pm - 2 am	12 pm - 2 am	-
Tuesday:	12 pm - 2 am	12 pm - 2 am	-
Wednesday:	12 pm - 2 am	12 pm - 2 am	-
Thursday:	12 pm - 2 am	12 pm - 2 am	8 pm - 2 am
Friday:	12 pm - 3 am	12 pm - 3 am	8 pm - 2 am
Saturday:	12 pm - 3 am	12 pm - 3 am	8 pm - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	December 25, 2020
Protest Petition Deadline:	March 1, 2021
Roll Call Hearing Date:	March 22, 2021
Protest Hearing Date:	May 26, 2021

License No.:	ABRA-117584
Licensee:	BSF Express, LLC
Trade Name:	Bombay Street Food 3
License Class:	Retailer's Class "C" Restaurant
Address:	1915 18th Street, N.W.
Contact:	Jeff Jackson: (202) 251-1566

WARD 2 ANC 2B SMD 2B08

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 March 22, 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 **May 26, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new restaurant serving Indian cuisine. Seating Capacity of 40 and Total Occupancy Load of 40. The Restaurant will include a Sidewalk Café with 6 Seats.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE OF THE PREMISES AND FOR THE OUTDOOR SIDEWALK CAFE

Sunday through Saturday 11am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	December 25, 2020
Protest Petition Deadline:	March 1, 2021
Roll Call Hearing Date:	March 22, 2021

License No.:	ABRA-095751
Licensee:	Bezad Corporation
Trade Name:	Lee's Liquor
License Class:	Retailer's Class "A" Liquor Store
Address:	2329 Pennsylvania Avenue, S.E.
Contact:	Adanech Gebremeskel: (240) 491-1145

WARD 7 ANC 7B SMD 7B03

Notice is hereby given that this licensee has requested to Transfer their license to a New Location under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 22, 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 OPERATION/SUBSTANTIAL CHANGE

Request to Transfer license to New Location, from 2339 Pennsylvania Avenue, S.E., to 2329 Pennsylvania Avenue, S.E. Licensee is a retailer class A Liquor store selling beer, wine, and spirits.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday 8am – 9:30pm, Monday through Wednesday 7am – 10pm, Thursday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
12/25/2020

Notice is hereby given that:
License Number: ABRA-107663 **License Class/Type: B Retail-Full Service Gr**
Applicant: Creative Food Group, LLC
Trade Name: Officina
ANC: 6D04

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

1120 Maine AVE SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
3/1/2021

A HEARING WILL BE HELD ON:
3/22/2021

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 - 3 am	8 am - 12 am
Monday:	7 am - 3am	8 am - 12 am
Tuesday:	7 am - 3 am	8 am - 12 am
Wednesday:	7 am - 3 am	8 am - 12 am
Thursday:	7 am - 3 am	8 am - 12 am
Friday:	7 am - 3 am	8 am - 12 am
Saturday:	7 am - 3 am	8 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	December 25, 2020
Protest Petition Deadline:	March 1, 2021
Roll Call Hearing Date:	March 22, 2021
Protest Hearing Date:	May 26, 2021

License No.:	ABRA-117596
Licensee:	2604 Conn Ave L.L.C.
Trade Name:	The Gourmand Grill
License Class:	Retailer's Class "C" Restaurant
Address:	2604 Connecticut Avenue, N.W.
Contact:	Chrissie Chang: (703) 992-3994

WARD 3 ANC 3C SMD 3C02

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 March 22, 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 **May 26, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new restaurant serving South American cuisine. Seating Capacity of 40 and Total Occupancy Load of 47. The Restaurant will include a Sidewalk Café with 10 Seats. An Entertainment Endorsement is requested to provide live entertainment inside the premises only.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE OF THE PREMISES AND FOR THE OUTDOOR SIDEWALK CAFE

Sunday through Thursday 11am – 10pm, Friday and Saturday 11am – 1am

HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES

Sunday through Thursday 7pm – 10pm, Friday and Saturday 7pm – 12am

HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF PUBLIC HEARINGS

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 21-06: Thomas Jefferson Junior High School
801 7th Street SW
Square 439, Lot 23
Applicant:
Affected Advisory Neighborhood Commission: 6D

The hearing will take place at **9:00 a.m. on Thursday, January 28, 2021**. it will be a virtual meeting, the details of which will be provided here: https://planning.dc.gov/node/1176060. 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.

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. 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
REVISED 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 a special exception under the use provisions of Subtitle U § 203.1(g), and pursuant to Subtitle X, Chapter 10, for a use variance from the use requirements of Subtitle U § 203.1(g)(2), and for area variances from the driveway width requirements of Subtitle C § 711.6, the side yard requirement of Subtitle D § 206.7, and the lot occupancy requirements of Subtitle D § 304.1, in order 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

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 17, 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

Application of:	**Andrew McKinley**
Case No.:	**20407**
Address:	307 A Street N.E. (Square 786, Lot 814)
ANC:	**6C**
Relief:	Special Exception from: • the lot occupancy requirements of Subtitle E § 504.1 (pursuant to Subtitle E § 5201 and X § 901.2)
Project:	To construct two-story rear addition, to an existing, attached, three-story, principal dwelling unit in the RF-3 Zone.

WARD FIVE

Application of:	Marcel and Stacey Clarke
Case No.:	**20411**
Address:	2600 4th Street SE (Square 3551, Lot 1)
ANC:	**5E**
Relief:	Area Variance from: • the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle X, Chapter 10)
Project:	To construct two three-story flats in the RF-1 Zone

WARD TWO

Application of:	**1515 WISCONSIN AVENUE LLC**
Case No.:	**20412**
Address:	1515 Wisconsin Avenue N.W. (Square 1271, Lot 44)
ANC:	**2E**
Relief:	Special Exception from: • the lot occupancy requirements of Subtitle G § 404.1 (pursuant to Subtitle G § 1200.1 and Subtitle X § 901.2)
Project:	To construct a two-story addition on the top of the first floor at the rear portion of the existing building, and to construct a three-story rear addition, to construct 9 residential units, in the existing, three-story building in the MU-4 Zone.

WARD SIX

Application of:	**James Francis Smyth**
Case No.:	**20415**
Address:	515 10th Street S.E. (Square 3564, Lot 810)
ANC:	**6B**
Relief:	Special Exception from: • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a second-story addition to an existing, detached, one-story accessory structure in the RF-1 Zone.

WARD SIX

Application of:	**1443 Girard Associates, LLC**
Case No.:	**20416**
Address:	1443 Girard Street N.W. (Square 2668, Lot 817)
ANC:	**6B**
Relief:	Area Variance from: • the parking size and layout requirements of Subtitle C § 712.3 (pursuant to Subtitle X, Chapter 10)
Project:	To construct two compact parking spaces at the rear of an existing, three-story apartment house in the RA-2 Zone.

WARD FIVE

Application of:	**Brian Mulhern and Marisa Garcia Lozano**
Case No.:	**20419**
Address:	5406 Kansas Avenue N.W. (Square 3330, Lot 8)
ANC:	**5E**
Relief:	Special Exception from: • the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a rear deck and stairs to an existing, attached, two-story principal dwelling unit in the R-3 Zone.

WARD ONE

Application of:	**428 Manor Place, LLC**
Case No.:	**20420**
Address:	428 Manor Place N.W. (Square 3036, Lot 66)
ANC:	**1A**
Relief:	Special Exceptions from: • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2) • the minimum vehicle parking requirements of Subtitle C § 701.5 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2) • the minimum court requirements of Subtitle E 203.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2) • the rear addition requirements of Subtitle E 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2)
Project:	To construct a third story addition and a three-story rear addition to an existing, attached, two-story principal dwelling unit, and to convert the principal dwelling unit to a three-unit apartment house in the RF-1 Zone.

WARD TWO

Application of:	**Love Properties, LLC**
Case No.:	**20421**
Address:	2818 Pennsylvania N.W. (Square 1195, Lot 817)
ANC:	**2E**
Relief:	Special Exception from: • the rear yard requirements of Subtitle G § 405.2 (pursuant to Subtitle G § 1200.1 and Subtitle X § 901.2)
Project:	To construct a two-story rear addition, to an existing two-story commercial building in the MU-4 Zone.

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code § 47-2853.10 (a)(12) (2015 Repl.), Mayor's Order 2000-70, dated May 2, 2000, and Mayor's Order 2009-11, dated February 2, 2009, hereby gives notice of the adoption of amendments to Chapter 26 (Real Estate Licenses) and Chapter 27 (Real Estate Practice and Hearings) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends the current pre-licensure education requirements for those seeking licensure as a real estate salesperson or real estate broker in the District. In order to clarify the existing educational requirements for real estate brokers, this rulemaking would delineate the specific courses and minimum hours of instruction required in each subject area. It also enhances the required pre-licensure curricula for both real estate brokers and salespersons to include additional education on the practice of property management with more focus on the management of common interest communities, and certain environmental issues concerning the practice real estate. Further, this rulemaking amends the current continuing education requirements for applicants seeking to renew, reactivate or reinstate a license approved by the Real Estate Commission (Commission). Specifically, this amendment requires additional continuing education for real estate brokers on best practices in supervision and would require continuing education on property management for all licensees. In adopting this requirement, which is in conformity with similar standards established by neighboring jurisdictions, the District seeks to ensure that its licensed real estate professionals maintain professional and ethical competence in their practice.

Further, this action updates certain provisions concerning assessments collected for deposit in the Real Estate Guaranty and Education Fund (Fund) to more accurately reflect current procedures. Specifically, it changes the dates by which the Commission would either suspend or resume collection of the Fund assessment during a fiscal year to align with the current licensing cycles for real estate professionals and would clarify the Commission's discretion to determine whether to resume collection of the assessment for any fiscal year. Also, for administrative convenience, it eliminates prorated assessments for applicants seeking licensure in the second half of the biennial license period.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 12, 2020, at 67 DCR 007495. No comments were received.

These rules were adopted as final on December 14, 2020, and shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Chapter 26, REAL ESTATE LICENSES, is amended as follows:

Section 2601, LICENSURE OF REAL ESTATE BROKERS, is amended as follows:

Subsection 2601.3 is amended to read as follows:

2601.3 All applicants for licensure as a real estate broker shall furnish at the time of filing an application, evidence of having satisfactorily completed the required course(s) which have been approved by the Commission pursuant to § 2606 of this chapter. The coursework shall consist of a minimum of one hundred thirty-five (135) clock hours and shall include the following subject areas:

A.	Principles of Real Estate	6
B.	Licensees' Duties and Responsibilities	6
C.	D.C. Real Estate Licensing Laws and Regulations	4
D.	Deposits, Escrow, and Recordkeeping	4
E.	Interests and Rights in Real Property	2
F.	Forms of Ownership and Legal Descriptions	2
G.	Transfer of Title to Real Property	2
H.	Real Estate Contracts and the Law	5
I.	Rules of Agency and Listings	7
J.	Federal Fair Housing Laws and D.C. Human Rights Act	3
K.	D.C. Code of Ethics - Ethical Practices in Real Estate	3
L.	Condominiums, Cooperatives, and Associations	3
M.	Landlord/Tenant Relationship	4
N.	The Property Manager and Community Association Management	8
O.	Lease Administration and Management	4

P.	Environmental Issues (Sustainability, Energy Management, and Deceptive Marketing Practices)	4
Q.	Real Estate Economics and Fiscal Policy	4
R.	Real Estate Financing	3
S.	Broker Price Opinions and the Appraisal Process	4
T.	Taxes and Assessments	2
U.	Real Property Insurance, Title Insurances, and Settlement	4
V.	Disclosures and Stigmatized Properties	2
W.	Real Estate Mathematics	3
X.	Private and Public Land-Use Control	2
Y.	Construction and Building Inspections	2
Z.	Sales and Marketing of Real Estate	2
AA.	Technology, Real Estate Trends, and Advertising	2
BB.	Introduction to Commercial Property	4
CC.	Securities, Syndication, and Investments	2
DD.	Real Estate Broker Management	6
EE.	Broker Supervision	6
FF.	Fiscal Management	3
GG.	Risk Management	2
HH.	Asset Management	4
II.	Contract and Employment Obligations	4
JJ.	Historic Preservation	2
KK.	Consumer Protection Issues	2
LL.	Licensing and Registration Compliance and Operations	

	in the District	3
Total Required Hours		135

Subsection 2601.10 is amended to read as follows:

2601.10 An applicant whom the Commission determines is eligible for licensure as a real estate broker by waiver or reciprocity under § 2611 of this chapter shall:

(a) Pass the D.C. Real Estate Law Examination;

(b) Complete a D.C. Fair Housing course approved by the Commission; and

(c) Complete a course on property management approved by the Commission.

Section 2602, LICENSURE OF REAL ESTATE SALESPERSONS, is amended as follows:

Subsection 2602.3 is amended to read as follows:

2602.3 Unless the application is based upon waiver or reciprocity pursuant to § 2611 of this chapter, all applicants for licensure as a real estate salesperson shall furnish, at the time of filing an application, evidence of having satisfactorily completed a course of instruction on the principles and practices of real estate which has been approved by the Commission pursuant to § 2606 of this chapter. The course shall consist of a minimum of sixty (60) clock hours and shall be distributed in clock hours, as indicated, among the following subject areas:

A.	Principles of Real Estate	3
B.	Licensees' Duties and Responsibilities	3
C.	Rules of Agency and Listings	2
D.	Deposits, Escrow, and Recordkeeping	1
E.	Interests and Rights in Real Property	2
F.	Forms of Ownership and Legal Descriptions	2
G.	Disclosures and Stigmatized Properties	2
H.	Real Estate Contracts and the Law	3
I.	Federal Fair Housing and D.C. Human Rights Acts	3
J.	D.C. Code of Ethics - Ethical Practices in Real Estate	3

K.	D.C. Real Estate Licensing Laws and Regulations	3
L.	Lease Administration and Management	1
M.	The Property Manager and Community Association Management	3
N.	Landlord/Tenant Relationship	3
O.	Condominiums, Cooperatives, and Associations	1
P.	Transfer of Title to Real Property	2
Q.	Real Estate Economics and Fiscal Policy	1
R.	Real Estate Financing	3
S.	Real Estate Mathematics	2
T.	Pricing Property and the Appraisal Process	2
U.	Taxes and Assessments	1
V.	Real Property Insurance, Title Insurances, and Settlement	3
W.	Introduction to Non-Residential Real Estate	2
X.	Land-Use Control	1
Y.	Securities, Syndication, and Investments	1
Z.	Construction and Building Inspections	1
AA.	Environmental Issues (Sustainability, Energy Management, and Deceptive Marketing Practices)	2
BB.	Technology, Real Estate Trends, and Advertising	2
CC.	Sales and Marketing of Real Estate	1
DD.	Historic Preservation	1
Total Required Hours		60

Subsection 2602.6 is amended to read as follows:

2602.6 An applicant whom the Board determines is eligible for licensure as a real estate salesperson by waiver or reciprocity under § 2611 of this chapter shall:

(a) Pass the D.C. Real Estate Law Examination;

(b) Complete a D.C. Fair Housing course approved by the Commission; and

(c) Complete a course on property management approved by the Commission.

Section 2605, CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS, PROPERTY MANAGERS, AND SALESPERSONS, is amended as follows:

Subsection 2605.3 is amended to read as follows:

2605.3 An applicant for the renewal of a real estate broker's, real estate salesperson's, or property manager's license shall submit proof pursuant to § 2605.6 of this section of having completed no fewer than fifteen (15) hours of Continuing Education credit during the two (2) year period preceding the date the license expires as follows:

(a) A real estate broker shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission for the current licensing cycle;

(2) Three (3) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of coursework in broker supervision that has been approved by the Commission.

(b) A real estate salesperson shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission;

(2) Three (3) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of general elective courses approved by the Commission.

(c) A property manager shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission; and

(2) Six (6) hours of property management coursework approved by the Commission.

Subsection 2605.7 is amended to read as follows:

2605.7 An applicant for renewal of an inactive license or reinstatement of an expired, suspended or revoked real estate broker's, real estate salesperson's, or property manager's license shall submit proof pursuant to § 2605.6 of this section of having completed the following continuing education credits:

(a) An applicant for a real estate broker's license under this subsection shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission for the current licensing cycle;

(2) Three (3) hours of property management coursework approved by the Commission;

(3) Three (3) hours of coursework in broker supervision that has been approved by the Commission; and

(4) Three (3) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

(b) An applicant for a real estate salesperson's license under this subsection shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission;

(2) Three (3) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

(c) An applicant for a property manager's license under this subsection shall complete:

(1) Nine (9) hours of mandated courses with curriculums administratively established and approved by the Commission;

(2) Six (6) hours of property management coursework approved by the Commission; and

(3) Three (3) hours of general elective courses, as approved by the Commission, per licensing cycle that the applicant's license was inactive, expired, revoked or suspended.

Chapter 27, REAL ESTATE PRACTICE AND HEARINGS, is amended as follows:

Section 2704, REAL ESTATE GUARANTY AND EDUCATION FUND ASSESSMENT, is amended as follows:

Subsection 2704.1 is amended to read as follows:

2704.1 An applicant for a license as a real estate broker, real estate salesperson, or property manager shall pay, in addition to the applicable license fee, the sum of sixty dollars ($60.00) into the Real Estate Guaranty and Education Fund ("Fund").

Subsection 2704.4 is amended to read as follows:

2704.4 The Board shall suspend collection of the assessment for the Fund from licensees on November 1 of any year, if on the prior October 1, the balance of the Fund is within fifty thousand dollars ($50,000) of the maximum established under this section.

Subsection 2704.5 are amended to read as follows:

2704.5 The Board may resume collection of the assessment for the Fund of licensees on November 1, if on the prior October 1, the balance of the Fund is less than $4,950,000.

THE OFFICE OF LOTTERY AND GAMING

NOTICE OF PROPOSED RULEMAKING

GAME OF SKILL

The Executive Director of the Office of Lottery and Gaming, pursuant to the authority set forth in Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 36-601.06(a) and 36-641.21 (2020 Repl.)), and Office of the Chief Financial Officer Management Control Order No. 96-22, effective September 24, 1996, hereby gives notice of the intent to amend Chapter 22 (Reserved) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking is to implement provisions of the Revised Game of Skill Machines Consumer Protections Emergency Amendment Act of 2020, (A23-0479) effective October 1, 2020; 67 DCR 13284 (November 13, 2020).

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

Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended to as follows:

Chapter 22, [RESERVED], is amended to read as follows:

CHAPTER 22 GAME OF SKILL ("GOS")

2200 SCOPE OF CHAPTER

2200.1 The purpose of this chapter is to implement the Revised Game of Skill Machines Consumer Protections Emergency Amendment Act of 2020, (A23-0479) effective October 1, 2020; 67 DCR 13284 (November 13, 2020). ("Act") establishes procedures for implementing Game of Skill ("GOS") and GOS Machines ("GOS Machines") within the District of Columbia ("District").

2201 AUTHORIZATION

2201.1 The operation of a GOS Machine shall be lawful in the District if conducted in accordance with the Act and this chapter's regulations.

2201.2 The Executive Director of the Office of Lottery and Gaming ("Executive Director") established by (D.C. Law 3-172; D.C. Official Code §§22-1716 to 22-1718; §36-601.01 *et seq* and §36-641.01 *et seq*) shall authorize and determine the availability of GOS Machines in the District.

2201.3 The Executive Director may determine and establish the form and manner of GOS.

2202 AVAILABILITY

2202.1 The Executive Director shall determine the availability of GOS Machines in the District.

2202.2 GOS in the District may not simulate traditional Casino gambling such as slot machines, card games, roulette, craps, or any other game that primarily involves the elements of prize, chance, and consideration.

2203 GOS LICENSURE / LEGACY MACHINES

2203.1 A person who possesses a valid Alcoholic Beverage Control Board ("ABC") GOS endorsement granted pursuant to D.C. Official Code § 25-113.01(e) may own or operate a GOS Machine according to the terms of the endorsement and the issuing Agency.

2203.2 A GOS Machine with a valid Alcoholic Beverage Regulatory Authority ("ABRA") endorsement sticker ("Legacy Machine") granted pursuant to D.C. Official Code § 25-113.01 (e) may be allowed to operate within the District until the endorsements expiration, or March 31, 2021.

2203.3 Upon expiration of the ABRA GOS endorsement or March 31, 2020, all GOS operated in the District must be licensed and shall be regulated by the Office of Lottery and Gaming ("Office").

2204 GAME OF SKILL MACHINES ("GOS MACHINE")

2204. 1 A GOS Machine is a mechanical or electronic gaming device that rewards the winning player or players with cash, a gift card, or a redeemable Voucher for cash or cash equivalents.

2204. 2 A mechanical or electronic gaming device shall not be considered a GOS Machine if:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

(b) The outcome of the game can be controlled by a source other than a player playing the game;

(c) The success of a player is or may be determined by a chance event that cannot be altered by the player's actions;

(d) The ability of a player to succeed at the game is impacted by game features not visible or known to a reasonable player; or

(e) The ability of a player to succeed at the game is impacted by the exercise of skill that no reasonable player could exercise.

2205 GOS MACHINE LICENSE REQUIREMENTS

2205.1 No person may carry out a function of a GOS: Manufacturer, Distributor, or Retailer after March 31, 2021, unless the person has obtained the applicable license or licenses required by the Act or by rules issued pursuant to this chapter.

2205.2 Those authorized by ABRA to have GOS machines at their licensed establishment prior to October 1, 2020, shall have until October 1, 2021, to submit an application to obtain a license or licenses as required by this title.

2205.3 The Office shall issue the following categories of GOS Machine Licenses:

(a) Manufacturer;

(b) Distributor; and

(c) Retailer.

2205.4 The Office shall not grant a license listed in this subsection until it has determined that each person that possesses 10% or greater beneficial or proprietary interest in the Applicant has been approved for licensure in accordance with the Act and rules issued pursuant to this chapter; provided, that the Office shall not be required to make such a determination with respect to a person that is an institutional investor unless the institutional investor possesses 25% or greater beneficial or proprietary interest in the Applicant.

2205.5 An Applicant for an initial manufacturer or distributor license, including any individuals identified under § 2205.4, shall be subject to District and national criminal history background checks. Retail applicants are exempt from District and national criminal history background checks if already performed by ABRA.

2205.6 The Applicant shall submit an application apply to the Office, in a form determined by the Office, fingerprints for use in a national criminal records check by the Metropolitan Police Department and the Federal Bureau of Investigation of all individuals required to be named in the application and a signed authorization of each individual submitting fingerprints for the release of information by the Metropolitan Police Department and the Federal Bureau of Investigation.

2205.7 In the case of an application for license renewal, the Office may require additional background checks.

2205.8 The Office shall require proof of good standing pursuant to D.C. Official Code § 29-102.08 of an applicant for a license in accordance with this title and may, in addition, require certification that the Citywide Clean Hands Database indicates that the proposed Licensee is current with its District taxes.

2205.9 Proprietary information, trade secrets, financial information, and personal information about a person in an application submitted to the Office pursuant to this title shall not be a public record and shall not be made available under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq*.), or any other law.

2205.10 A Retailer shall display its license as required by § 2215.5 and shall make the license immediately available for inspection upon request by an employee of the Office, the Metropolitan Police Department, or ABRA.

2205.11 When present at a licensed establishment, an employee of a distributor shall carry a copy of its license and make it readily available for inspection by an employee of the Office, the Metropolitan Police Department, or ABRA.

2205.12 A Licensee shall not permit a person under the age of eighteen (18) to use or play a GOS Machine.

2205.13 The method of age verification shall at the minimum include:

(a) A designated employee to regularly monitor the designated area where GOS Machines are played to ensure that no person under eighteen (18) years of age is playing or attempting to play a GOS Machine;

(b) Verify that each person playing a GOS Machine is lawfully permitted to do so by checking the person's government-issued identification document upon entry into either the licensed establishment or the designated area where the GOS Machines are located; and

(c) Verify identification when a person seeks to cash out his or her winnings, if any.

2205.14 The failure of a Licensee to verify a person's identification shall not be a violation of this paragraph if the person whose identification was not checked is eighteen (18) years of age or older.

2205.15 No Manufacturer or Distributor may offer or provide anything of value, including a loan or financing agreement, to a licensed establishment as an incentive or inducement to locate a GOS Machine in the establishment; provided, that a Manufacturer or Distributor may provide funding to a licensed establishment for the payment of winnings to players of the Manufacturer or Distributor's GOS Machines in the licensed establishment.

2206 MANUFACTURER LICENSE REQUIREMENTS

2206.1 A person may not, after March 31, 2021, manufacture a GOS Machine in the District or manufacture and cause to be delivered into the District a GOS Machine unless the person has a valid Manufacturer's license issued under this title.

2206.2 A Manufacturer may, after March 31, 2021, only sell or lease GOS Machines for use in the District to persons having a valid Distributor's license.

2206.3 A person applying for a Manufacturer's license shall do so on a form prescribed by the Office. The form shall require:

(a) The name of the Applicant;

(b) The mailing address of the Applicant and, if the Applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

(c) A report of the Applicant's financial activities, including evidence of financial stability, such as financial statements, bank statements, business, and personal income and disbursement schedules, tax returns and/or bank statements; and

(d) Such other information as the Office may require.

2206.4 In considering whether to approve an application for a Manufacturer's license, the Office may consider, among such other evidence as may come before the Office, evidence of the Applicant's licensure, conduct, and activities in another jurisdiction.

2206.5 An applicant for a Manufacturer's license shall pay a nonrefundable application fee of $10,000 with the application.

2206.6 A Manufacturer's license shall be renewed annually, provided that the Licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a $5,000 renewal fee.

2206.7 If a Manufacturer is providing GOS Machines directly to a Retailer, it shall submit to the Office a list of all models and versions of GOS Machines sold, delivered, or offered to a Retailer. All such equipment shall be tested and approved by an independent testing laboratory as provided in § 2213. A Manufacturer must also be licensed as a Distributor if it will be providing GOS Machines directly to a Retailer.

2207 DISTRIBUTOR LICENSE REQUIREMENTS

2207.1 A person may not, after March 31, 2021, engage in any of the following activities unless the person has a valid Distributor's license issued by the Office:

2207.2 Buy or lease from a licensed GOS Machine Manufacturer for distribution in the District;

2207.3 Sell, lease, or distribute a GOS Machine in the District or market for sale, lease, or distribution a GOS Machine in the District; or

2207.4 Repair, replace, maintain, or service a GOS Machine or a major component or part of a GOS Machine in the District or market the repair, replacement, or maintenance of a GOS Machine or a major component or part of a GOS Machine in the District.

2207.5 A licensed Distributor may sell, lease, or distribute a GOS Machine, or repair, replace, maintain, or service a GOS Machine or any major component or part of a GOS Machine in the District to a licensed Retailer that possesses a GOS Machine

endorsement from the ABC Board pursuant to D.C. Official Code § 25-113.01(e), and after March 31, 2021, a Retailer's license from the Office.

2207.7 A person applying for a Distributor's license shall do so on a form prescribed by the Office. The form shall require:

(a) The name of the Applicant;

(b) The mailing address of the Applicant and, if the Applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

(c) A report of the Applicant's financial activities, including evidence of financial stability, such as financial statements, bank statements, business, and personal income and disbursement schedules, tax returns and/or bank statements; and

(d) Such other information as the Office may require.

2207.8 In considering whether to approve an application for a Distributor's license, the Office may consider, among such other evidence that may come before the Office, evidence of the Applicant's licensure, activities, and conduct in other jurisdictions.

2207.9 An Applicant for a Distributor's license shall demonstrate that the equipment, system, or device that the Applicant plans to offer to Retailers conforms to standards and rules established pursuant to this title and other applicable law.

2207.10 An Applicant for a Distributor's license shall pay a nonrefundable application fee of $10,000 with the application.

2207.11 A Distributor's license shall be renewed annually, provided that the Licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a $5,000 renewal fee.

2207.12 A Distributor shall submit to the Office a list of all models and versions of GOS Machines sold, delivered, or offered to a Retailer when first sold, delivered, or offered to a Retailer. The list can be amended and submitted to the Office when the same occurs relating to new models and versions of GOS Machines. All such equipment shall be tested and approved by an independent testing laboratory approved as provided in § 2213.

2208 RETAILER LICENSE REQUIREMENTS

2208.1 A person may not offer or allow play of a GOS Machine at a location in the District unless:

(a) The location is a licensed establishment;

(b) The Retailer possesses a GOS Machine endorsement from ABRA in accordance with D.C. Official Code § 25-113.01(e), and after March 31, 2021, a retailer's license from the Office; and

(c) The person has entered into a written use agreement with a licensed distributor (or before April 1, 2021, with a Distributor) for the placement or installation of a GOS Machine or Machines on the licensed premises.

2208.2 A person shall apply for a Retailer's license on a form prescribed by the Office. The form shall require:

(a) The name of the Applicant;

(b) The mailing address of the Applicant and, if the Applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

(c) At the discretion of the Office, a report of the Applicant's financial activities, including evidence of financial stability, such as bank statements, business, and personal income and disbursement schedules, and tax returns; and

(d) Any other information the Office considers necessary.

2208.3 An Applicant for a Retailer's license shall pay a nonrefundable application fee of $300 with the application.

2208.4 A Retailer's license shall be renewed annually, provided that the Licensee continued to comply with the statutory and regulatory requirements and pays upon submission of its renewal application a $300 renewal fee.

2208.5 The Office may require a Retailer to be bonded in such amounts and such manner as determined by the Office.

2208.6 GOS Machines shall not be offered or allowed to be played in the District other than at an establishment licensed as a Retailer.

2209 LICENSING PROHIBITIONS

2209.1 The Office shall deny, suspend, or revoke a license if evidence satisfactory to the Office exists that the Applicant or Licensee committed any of the following disqualifying offenses:

(a) The Applicant or Licensee knowingly made a false statement of a material fact to the Office;

(b) The Applicant or Licensee has been suspended from operating a GOS, gambling game, gaming device, or gaming operation, or had a license revoked by any governmental authority responsible for the regulation of gaming activities;

(c) The Applicant or Licensee has been convicted of a felony and has not received a pardon or has not been released from parole or probation for at least five (5) years;

(d) The Applicant or Licensee has been convicted of a gambling-related offense, or a theft or fraud offense; or

(e) The Applicant or Licensee is a company or individual who has been directly employed by any illegal or offshore book that serviced the United States or otherwise accepted black market wagers from individuals located in the United States.

2209.2 The Office may deny, suspend, or revoke an Applicant's or Licensee's GOS License under the following circumstances:

(a) If the Applicant or Licensee has not demonstrated by clear and convincing evidence to the satisfaction of the Office financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(b) If the Applicant or Licensee is not the true owner of the business or is not the sole owner and has not disclosed on the application the existence or identity of other persons who have an ownership interest in the business; or

(c) If the Applicant or Licensee is a corporation that sells more than ten percent (10%) of its voting stock, more than ten percent (10%) of the voting stock of a corporation that controls the Applicant or Licensee, sells the Applicant's or Licensee's assets, other than those bought and sold in the ordinary course of business, or an interest in the assets, to an individual, group of individuals, or entity not already determined by the Office to have met the qualifications of a Licensee, or is a non-corporate entity where an individual, group of individuals, or entity not already determined by the Office to have met the qualifications of a Licensee

pursuant to this title holds more than a ten percent (10%) interest in the non-corporate entity.

2209.3 The acts listed in § 2209.4 shall be known for purposes of the Act and this chapter as potential disqualifying offenses.

2209.4 The Office may deny, suspend, or revoke an Applicant's or Licensee's GOS License if they, or any person required to be qualified under this chapter as a condition of a GOS license, has been convicted of any offense in any jurisdiction which equates to the following crimes:

(a) All crimes of the first degree;

(b) Attempt to commit an offense which is listed in this subsection;

(c) Conspiracy to commit an offense which is listed in this subsection;

(d) Manslaughter;

(e) Vehicular homicide, which constitutes a crime of the second degree;

(f) Aggravated assault which constitutes a crime of the second or third degree;

(g) Kidnapping;

(h) Sexual offenses which constitute crimes of the second or third degree;

(i) Robberies;

(j) Crimes involving arson and related offenses;

(k) Causing or risking widespread injury or damage;

(l) Burglary which constitutes a crime of the second degree;

(m) Theft and related offenses which constitute crimes of the second or third degree;

(n) Forgery and fraudulent practices which constitute crimes of the second or third degree;

(o) Endangering the welfare of a child;

(p) Bribery and corrupt influence;

(q) Perjury and other falsification in official matters which constitute crimes of the second, third or fourth degree;

(r) Misconduct in Office and abuse in Office which constitutes a crime of the second degree;

(s) Manufacturing, distributing, or dispensing a controlled dangerous substance or a controlled dangerous substance analog which constitutes a crime of the second or third degree;

(t) Employing a juvenile in a drug distribution scheme;

(u) Distributing, dispensing, or possessing a controlled dangerous substance or a controlled substance analog on or within one thousand feet (1,000 ft.) of school property or bus;

(v) Distributing, dispensing, or possessing a controlled dangerous substance or a controlled substance analog in proximity to public housing facilities, parks, or buildings;

(w) Distribution, possession, or manufacture of imitation controlled dangerous substances;

(x) Acquisition of a controlled dangerous substance by fraud;

(y) Gambling offenses which constitute crimes of the third or fourth degree;

(z) Possession of a gambling device;

(aa) Any second-degree racketeering crime;

(bb) Swindling and cheating;

(cc) Use of device to gain an advantage at a sports wagering, lottery, or casino game;

(dd) Unlawful use of bogus chips or gaming billets, marked cards, dice, cheating devices, unlawful coins;

(ee) Cheating games and devices in a licensed casino;

(ff) Unlawful possession of device, equipment, or other material illegally manufactured, distributed, sold or delivered; or

(gg) Any other offense under present District or federal law which indicates that licensure of the Applicant would be detrimental to the policy of the

Act and GOS operations; provided, however, that the automatic disqualification provisions of this subsection shall not apply with regard to any conviction which did not occur within the ten (10)-year period immediately preceding application for licensure and which the Applicant demonstrates by clear and convincing evidence does not justify automatic disqualification under this subsection and any conviction which has been the subject of a judicial order of expungement or sealing;

(hh) Current prosecution or pending charges in any jurisdiction of the Applicant or Licensee or of any person who is required to be qualified under the Act as a condition of a sports wagering license, for any of the offenses enumerated in this chapter; provided, however, that at the request of the Applicant or the person charged, the Office shall defer decision upon such application during the pendency of such charge;

(ii) The pursuit by the Applicant or Licensee or any person who is required to be qualified under the Act as a condition of a GOS License if such pursuit creates a reasonable belief that the participation of such person in a GOS business would be detrimental to the policies of the Act;

(jj) The identification of the Applicant or Licensee or any person who is required to be qualified under the Act as a condition of a GOS License as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be detrimental to the policy of this chapter. For purposes of this section, a career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of the District. A career offender cartel shall be defined as any group of persons who operate together as career offenders;

(kk) The commission by the Applicant or Licensee or any person who is required to be qualified under the Act as a condition of a GOS License of any act or acts which would constitute an offense under this chapter, even if such conduct has not been or may not be prosecuted under the criminal laws of the District or any other jurisdiction or has been prosecuted under the criminal laws of the District or any other jurisdiction and such prosecution has been terminated in a manner other than with a conviction;

(ll) Willful defiance by the Applicant or Licensee or any person who is required to be qualified under the Act of any legislative investigatory body or other official investigatory body of any state or of the United States when such body is engaged in the investigation of crimes relating to gaming, official corruption, or organized crime activity;

(mm) Failure by the Applicant or Licensee or any person required to be qualified under the Act as a condition of a GOS License to make required payments in accordance with a child support order; and

(nn) Failure by the Applicant or Licensee or any person required to be qualified under the Act as a condition of a GOS License to repay any other debt owed to the District; unless such Applicant provides proof to the Office's satisfaction of payment of or arrangement to pay any such debts prior to licensure.

2210 CONFLICTS OF INTEREST

2210.1 Before issuing, authorizing the transfer of GOS Machines to a new owner of, or renewing a license, the Office shall determine that the Applicant is not disqualified because of conflicting interest in another license.

2210.2 In making a determination regarding a conflicting interest, the following standards shall apply:

(a) No Licensee under a Distributor's license shall hold another license issued under this title; except, that the holder of a Distributor's license may also hold a Manufacturer's license.

(b) No Licensee under a Manufacturer's license shall hold another license issued under this title; except, that the holder of a Manufacturer's license may also hold a Distributor's license.

2211 ENFORCEMENT

2211.1 The Office may enforce the provisions of this title with respect to Licensees and with respect to any individual or entity not holding a license and offering a GOS Machine in violation of the provisions of this title or rules issued pursuant to this chapter.

2211.2 Subject to § 2211.3 of this section, the Office and the Metropolitan Police Department may issue citations for civil violations of this title as set forth in rules issued pursuant to this title.

2211.3 A citation for a violation for which the penalty includes the suspension or revocation of a license shall be issued by the Office as a result of an investigation carried out by the Office.

2211.4 The Office, ABRA, or Metropolitan Police Department may request and check the identification of a person who has played, is playing, or is attempting to play a GOS Machine.

2211.5 The Office or Metropolitan Police Department may seize evidence that substantiates a violation under this title, which may include seizing the GOS Vouchers, or cash awards issued to a person under the age of eighteen (18) and fake identification documents used by a person under the age of eighteen (18).

2211.6 The Office may suspend or revoke a license and issue a fine, in accordance with § 2217, against a Licensee that knowingly allows a person under the age of eighteen (18) to use or play a GOS Machine.

2211.7 The Office may seize a GOS Machine license from an establishment if:

(a) The GOS Machine license has been suspended, revoked, or canceled by the Office;

(b) The business is no longer in existence; or

(c) The business has been closed by another District government agency.

2211.8 No manufacturer, distributor, licensed establishment, or employee or agent of a manufacturer, distributor, or licensed establishment shall intentionally make a false or misleading representation concerning an individual's chances, likelihood, or probability of winning at playing a GOS Machine.

2211.9 An individual or entity claiming to be aggrieved by a fraudulent act or a false or misleading statement by a Licensee shall have a cause of action in a court of competent jurisdiction for damages and any legal or equitable relief as may be appropriate.

2212 INVESTIGATIONS AND INSPECTIONS

2212.1 The Office may conduct inspections, examinations, investigations, searches, seizures, and perform other duties authorized by this title and rules issued under this title.

2212.2 An Applicant for a license and each Licensee shall allow an authorized member of the Office, an ABRA investigator, or any member of the Metropolitan Police Department full opportunity to examine at any time during business hours:

(a) The location on the premises where the GOS Machines are available to play; and

(b) The books and records of the Licensee or Applicant.

2213 SYSTEM REQUIREMENTS

2213.1 No model or version of a GOS Machine shall be offered for distribution or play in the District unless the model or version of the GOS Machine has first been tested and approved as a GOS Machine pursuant to this title and the rules issued pursuant to this chapter; except, that:

(a) A model or version of a GOS Machine for which an endorsement was approved by the ABC Board under D.C. Official Code § 25-401 before October 1, 2020, shall not be subject to testing or approval under this section unless required by the Office by rule; provided, that each such GOS Machine shall be required to comply with § 2221 of this section.

(b) The Office may approve a model or version of a GOS Machine before January 1, 2021, if it meets the requirements of subsection (a) through (l) of this section, regardless of whether the Office has issued minimum standard rules pursuant to subsection (b) of this section, and the GOS Machine shall not be required to come into compliance with the minimum standards issued by the Office pursuant to subsection (b) of this section until such date as shall be set forth by the Office in such rules.

(c) The Office, or the Applicant at the direction of the Office, shall utilize the services of an Office-approved independent outside testing laboratory to test and assess the model or version of the GOS Machine.

(d) The Applicant shall be responsible for paying the costs associated with testing the model or version of the GOS Machines.

2213.2 Except as otherwise provided in § 2213.1 (a) and (b) this section, every GOS Machine offered in the District shall meet the minimum standards established by the Office by rule. The minimum standards shall include the following:

(a) The GOS Machine shall conform to all requirements of federal law and regulations, including the Federal Communications Commission's Class A emissions standards.

(b) The GOS Machine shall display an accurate representation of the game outcome.

(c) The GOS Machine shall not automatically alter pay tables or any function of the GOS Machine based on an internal computation of a hold percentage or have a means of manipulation that affects the random selection process or probabilities of winning a game.

(d) The GOS Machine shall not be negatively affected by static discharge or other electromagnetic interference.

(e) The GOS Machine shall be capable of displaying the following during idle

status: "power reset;" "door open;" or "door closed."

(f) The GOS Machine shall be able to detect and display the game's complete play history and winnings for the previous ten (10) games.

(g) The theoretical payback percentage of a GOS Machine shall not be capable of being changed without making a hardware or software change in the Machine itself.

(h) The GOS Machine shall be designed so that the replacement of parts or modules required for normal maintenance does not necessitate the replacement of the electromechanical meters.

(i) The GOS Machine shall contain a non-resettable meter, which shall be located in a secured compartment of the Machine that shall be locked and accessible only by a key.

(j) The GOS secured compartment shall be designed to accept the following items at a minimum:

(1) Logic board with edge connector or edge card;

(2) Hard meters or counters should be secure and forward-facing, so they are visible without opening the compartment. A minimum of two openings specifically designed to fit these meters must be present. The In meter shall be displayed on the left side of the window, and the Out meter shall be displayed on the right. The meter harness/wiring shall be contained within the compartment;

(3) The licensed Retailer shall have access to the Operator Configuration menu by way of a keyed switch lock that is securely mounted through the compartment. The keyed switch must use a proprietary key registered to the GOS Machine owner. All wiring connected to the Operator Configuration menu switch must be contained within the compartment;

(4) Access to the components shall be convenient and expedient so that the GOS Machine Owner can make quick adjustments as appropriate without leaving the compartment open for an extended time. A removable front door to make access easier is encouraged;

(5) The door access sensor system shall register the compartment door as being open when the door is moved from its fully closed and locked position;

(6) The compartment shall be securely affixed to the cabinet;

(7) The compartment shall close in such a manner as to allow for security tape to be applied. The security tape will be serialized and allow for initials and manual tracking of entry to the compartment; and

(8) It shall not be possible to insert a device into the compartment that will significantly influence the operation of the GOS Machine when the compartment's door is properly secured and locked without leaving evidence of tampering.

(k) The GOS Machine shall be capable of storing the meter information required by paragraph (i) of this subsection for a minimum of one-hundred and eighty (180) days after a power loss to the Machine.

(l) The GOS Machine shall have accounting software that keeps an electronic record that includes:

(1) Total cash or other value inserted into the GOS Machine;

(2) The value of GOS Vouchers awarded to players by the GOS Machine;

(3) The total credits played on the GOS Machine;

(4) The total credits awarded by the GOS Machine; and

(5) The payback percentage credited to players of the GOS Machine.

(m) GOS Machines shall be connected to a Centralized Accounting System in accordance with § 2221 for the purposes set forth in that section; except, that:

(1) Legacy Machines or GOS Machines approved by the Office for operation or distribution before the date designated by the Office pursuant to § 2221.5 shall be allowed until the date designated to come into compliance with this aforementioned section.

2213.3 The Office may require that a licensed distributor maintain liability insurance on the GOS Machines that it places in licensed establishments.

2213.4 The Office may require that a licensed Retailer maintain liability insurance on the GOS Machines located in its licensed establishment.

2213.5 The Office may issue rules to establish additional licensing and registration requirements for the purposes of preserving the integrity and security of GOS Machines in the District.

2214 INTERNAL CONTROLS

2214.1 GOS Distributors and Retailers shall file with the Office internal controls for all aspects of GOS operations prior to commencing operations.

2214.2 As determined by the Office, prior to commencing GOS, Distributors and Retailers Licensees shall submit to the Office for approval internal controls for all aspects of GOS (*i.e.*, retail operations, back office, and the Centralized Accounting System ("CAS"), prior to implementation and any time a change is made thereafter.

2214.3 The internal controls shall address the following items regarding the GOS, at a minimum:

(a) User access controls for all personnel having access to GOS Machine internal components requiring key access, access to the CAS components, payouts, and/or related transactions associated with GOS Machines;

(b) Segregation of duties;

(c) Automated and manual risk management procedures;

(d) Procedures for identifying and reporting fraud and suspicious conduct;

(e) Procedures for identifying and preventing persons who are under eighteen (18) years of age from engaging in a GOS; and

(f) Procedures for identifying and preventing intoxicated and impaired persons from engaging in a GOS.

2214.4 GOS Manufactures Licensees shall develop system requirements and specifications for internal controls according to industry standards and implement the requirements and specifications as required by the Office.

2215 REGISTRATION OF GOS MACHINES

2215.1 After March 31, 2021, no Distributor shall distribute a GOS Machine to a Retailer or allow the continued distribution of its GOS Machine at a Retailer's licensed establishment and no Retailer shall allow the distribution of a GOS Machine to the Retailer or allow the installation or operation of a GOS Machine at its licensed establishment, unless:

(a) The GOS Machine is registered with the Office; and

(b) A registration sticker issued by the Office is affixed to and maintained on

the GOS Machine.

(c) The Office shall issue to a distributor or Retailer, after approval of an application for registration of a GOS Machine filed by the Distributor or Retailer with the Office, a registration sticker for placement on the registered GOS Machine.

2215.2 The registration fee, payable to the Office, for each GOS Machine, shall be $100. If the registration sticker is damaged, destroyed, lost, or removed, the Retailer shall pay the Office $75 for a replacement registration sticker.

2215.3 A Distributor shall not have distributed more than five (5) GOS Machines to a licensed establishment at any time, and a Retailer shall not allow more than five (5) GOS Machines to be operated or located on licensed premises at any time.

2215.4 A Retailer shall locate its GOS Machines for play only in specific locations approved by ABRA within the Retailer's licensed establishment.

2215.5 A Retailer shall post an Office-provided warning sign and, after March 31, 2021, its Retailer's license, both maintained in good repair and in a place clearly visible at the point of entry to the designated areas where the GOS Machines are located. The warning sign shall include:

(a) The minimum age required to play a GOS Machine;

(b) The contact information for the National Council on Problem Gambling's national helpline; and

(c) The contact information for the Office of Lottery and Gaming for purposes of filing a complaint or potential violation of law against the Manufacturer, Distributor, or Retailer.

2215.6 Failure to display the registration sticker, license, or warning sign may result in the Office revoking or suspending the license or issuing a fine against the licensed establishment pursuant to § 2217.

2216 ADVERTISING

2216.1 GOS Licensees shall not advertise GOS in any area prohibited by District or federal law.

2216.2 GOS Licensees shall ensure that all advertising, public relations activities, and marketing campaigns do not:

(a) Contain false or misleading information;

(b) Fail to disclose conditions or limiting factors associated with the advertisement;

(c) Use a font, type size, location, lighting, illustration, graphic depiction, or color obscuring conditions or limiting factors associated with the advertisement;

(d) Consist of indecent or offensive graphics or audio, or both; and

(e) Target, either via content or placement, those under the age of eighteen (18).

2216.3 Advertisements, public relations activities, and marketing campaigns shall meet the following requirements:

(a) Be socially responsible;

(b) Give a balanced message with regard to winning and losing; and

(c) Include language demonstrating the Retailer is licensed by the Office.

2216.4 As directed by the Office, GOS Licensees shall delete or modify any advertisement which does not conform to the requirements of this chapter or is necessary for the immediate preservation of the public peace, health safety, and welfare of District residents.

2217 PENALTIES

2217.1 In the event of a violation of this title or a rule issued pursuant to this title; the Office may:

(a) Impose a fine of not more than $50,000;

(b) Revoke a GOS Licensee's license; and

(c) Suspend the GOS Licensee's license for up to one (1) year.

(d) Any other penalties and sanctions that may reasonably be imposed by law.

2217.2 A person that has been fined or whose application has been denied, revoked, or suspended pursuant to this section shall have a right to a hearing before the Office and, in the event of the Office's affirmation of the fine, denial, revocation, or suspension, the right to appeal the decision of the Office to the Superior Court of the District of Columbia.

2217.3 The Office shall notify ABRA within forty-eight (48) hours after the Office suspends or revokes a Retailer's license.

2217.4 The Attorney General for the District of Columbia, in the name of the District of Columbia may bring an action in the Superior Court of the District of Columbia to enjoin an individual or entity or to seek a civil penalty of up to $50,000 for a violation of the Act or rule issued pursuant to this chapter.

2218 TAXATION OF GAME OF SKILL

2218.1 On or before the 20th calendar day of each month, each owner of a GOS Machine located in the District shall:

(a) File a return with the CFO, on forms and in the manner prescribed by the CFO, indicating the amount of GOS Machine Gross Revenue ("GOSGR") for the owner's GOS Machines for the preceding calendar month and the amount of tax for which the owner is liable; and

(b) Pay a tax rate of ten percent (10%) of the GOSGR to the District of Columbia Treasurer from the preceding calendar month.

2218.2 All funds owed to the District under this section shall be held in trust for the District in a federally insured depository institution that maintains an office in the District until the funds are paid to the District of Columbia Treasurer.

2218.3 Each owner of a GOS Machine located in the District shall keep a record of the GOSGR, awards, and net income of each GOS Machine in such form as the CFO may require.

2218.4 An owner of a GOS who fails to pay the tax imposed by this section shall be subject to all collection, enforcement, and administrative provisions applicable to unpaid taxes or fees, as provided in D.C. Official Code § 47 Chapters 41, 42, 43, and 44.

2218.5 When the tax imposed on GOSGR has become due and payable and has not been paid, that tax may be collected using any of the provisions set forth in Chapter 44 of Title 47 of the D.C. Official Code.

2218.6 Interest shall be assessed on underpayments of the tax on GOSGR at the rate set forth in D.C. Official Code § 47-4201 and on overpayments under D.C. Official Code § 47-4202. The provisions of D.C. Official Code § 47-4222 shall apply, as applicable.

2218.7 All of the penalties, as applicable, set forth in Chapter 42 of Title 47 shall apply to the tax imposed on GOSGR.

2218.8 Notwithstanding D.C. Official Code § 47-4406, the CFO may disclose the total amount of GOSGR collected in the periodic estimates and reports of revenues.

2219 PRIZES

2219.1 A GOS can award cash or non-cash prizes, but the Claimant must first always be offered cash. The Claimant may accept if offered, a non-cash prize in lieu of cash.

2219.2 The Claimant may accept if offered, a non-cash prize in lieu of cash.

2219.3 One dollar ($1.00) is the minimum allowable amount won for playing a GOS Machine.

2219.4 Five Hundred Ninety-Nine Dollars and ninety-nine cents ($599.99) is the maximum allowable amount won for playing a GOS Machine.

2219.5 The Executive Director may set or change the minimum and maximum amount won on a GOS Machine.

2219.6 A GOS Machine shall not directly dispense cash awards to a player. If a player is entitled to a cash award at the conclusion of the game, the GOS Machine shall dispense a GOS Voucher to the player.

2219.7 The GOS Voucher shall indicate:

(a) The total amount of the cash award;

(b) The time of day that the cash award was issued in a twenty-four (24) hour format showing hours and minutes, the date, the terminal serial number, and the sequential number of the GOS Voucher;

(c) An encrypted validation number from which the validity of the cash award may be determined.

(d) A Retailer shall allow a player to take the GOS Voucher to the owner of the licensed establishment or the owner's designee, who shall be located at the licensed establishment, for payment of the cash award.

(e) Shall contain rules for claiming the prize or cashing the GOS Voucher.

2219.8 Prizes may be awarded by check, draft, electronically, or by other means as authorized by the Executive Director. Prizes may be paid using Vouchers, cards, at the location where the prize was played and redeemed or by other means as authorized by the Executive Director.

2219.9 Licensee will report taxable prizes and events to relevant taxing authorities based on established statutory thresholds.

2219.10 The District of Columbia and its agents, officers, and employees are not responsible for the payment of GOS prizes.

2220 PRIZE CLAIMS

2220.1 GOS Retailer shall only use printed claim forms that have been authorized by the Office along with the winning GOS Voucher to claim a GOS prize.

2220.2 The Office will review and approve all licensed Retailers prize claim procedures, also known as "house rules," before all GOS Machines are available for the public.

2220.3 At the minimum, the Retailers prize claim procedures shall:

(a) Winning GOS Vouchers shall be validated through inspection and confirmation of encrypted validation number;

(b) Cash must first be offered to the claimant prior to any non-cash offer;

(c) Any non-cash offer must be equivalent to the cash amount indicated on the winning GOS Voucher;

(d) If payout of winnings requires tax reporting, a Claimant must provide a valid, government-issued, photograph identification and other information required by District, State, and Federal tax laws and regulations; and Generate applicable tax forms for reportable winnings as required by District, State, and Federal laws and regulations.

2220.4 Winning GOS Vouchers shall be valid for a minimum of one-hundred and eighty (180) days but may be extended to a more extended period pursuant to the Office-approved Retailers Prize Claim procedures.

2221 CENTRALIZED ACCOUNTING SYSTEM ("CAS")

2221.1 Within three-hundred and sixty-five (365) days after the effective date of this section, the Office shall procure a Centralized Accounting System (CAS) for GOS Machines, which shall be linked to a communications network.

2221.2 All GOS Machines registered in the District shall connect to the CAS through the communications network.

2221.3 The CAS shall be administered by the Office and shall allow for the accounting, reporting, monitoring, and reading of GOS Machine activities by the District to

assist the Office in determining compliance with, and enforcing, the provisions of this title and the rules issued pursuant to this title.

2221.4 The CAS shall also allow for GOS Machines to be activated and deactivated remotely by the Office.

2221.5 When the Office is satisfied with the operation of the CAS, it shall:

(a) Certify the effective status of the system; and

(b) Notify all Retailers of the date by which the distributor's and Retailer's GOS Machines must be linked to the CAS, which date shall not be less than ninety (90) days after the date of the effective status of the CAS.

2221.6 The CAS shall not provide for the monitoring or reading of personal or financial information concerning patrons of GOS Machines.

2221.7 Employees and agents of a contractor or subcontractor of the Office that is engaged in building, operating, maintaining or contracting to build, operate, or maintain the CAS, and the immediate family members of such employees and agents, shall be prohibited from obtaining a license under this title.

2221.8 Unless a Retailer's license is canceled, suspended, or revoked, nothing in this section shall authorize the Office to limit or eliminate a registered GOS from the CAS.

2222 GAME OF SKILL ADMINISTRATIVE HEARINGS

2222.1 An individual, group of individuals or entity that has been fined, whose application has been denied, or whose license has been revoked, or suspended shall have a right to a hearing before the Office and, in the event of its affirmation of the fine, denial, revocation, or suspension, whichever applies, the right to appeal the decision of the Office to the Superior Court of the District of Columbia

2222.2 A request for a hearing shall be filed with the Office of Chief Financial Officer, Office of the General Counsel within fifteen (15) business days after the receipt of written notice of a fine or written notice denying, suspending, or revoking a GOS license.

2222.3 Each request for a hearing shall contain the following information:

(a) The name, address, and telephone number of the person filing the request;

(b) The name, address, and telephone number of the Licensees' representatives, if any; and

(c) A clear and concise statement of facts refuting the allegations of the Office;

2222.4 The General Counsel shall designate a Hearing Examiner to conduct the hearing and make proposed findings of fact and conclusions of law.

2222.5 Any person filing a request for a hearing may be represented by counsel or any other person as a representative.

2222.6 On the first occasion of appearance, persons who appear in a representative capacity shall file a written notice of appearance.

2222.7 The notice of appearance shall state the person's name, local address, and local telephone number.

2222.8 The written notice of appearance shall be part of the record.

2222.9 Where these Rules do not address a procedural issue, the Hearing Examiner may be guided by the District of Columbia Superior Court Rules of Civil Procedure to decide the issue.

2222.10 Decorum and good order shall be maintained at all times during any hearing.

2222.11 Any person who refuses to comply with a reasonable order may be excluded from the hearing by the person conducting the hearing.

2222.12 The Office will provide oral or sign-language interpretation services upon request for persons seeking information or participating in a hearing. The Hearing Examiner may order the use of such services at a hearing.

2222.13 A person who needs language interpretation services for a hearing shall request them as early as possible to avoid delay.

2222.14 Upon request by a party with impaired vision, the Office will provide official documents in Braille or a large print within a reasonable time.

2222.15 An interpreter at a hearing shall swear or affirm under penalty of perjury to interpret accurately, completely, and impartially.

2222.16 In any action, the parties or their representatives shall appear before the Hearing Examiner on a date set by the Hearing Examiner for a conference to consider the following:

(a) Whether a hearing is necessary;

(b) Simplification of the issues;

(c) The possibility of obtaining the admission and stipulation of facts and documents which will avoid unnecessary proof; and

(d) Any other matters which may aid in the disposition of the action.

2222.17 The Hearing Examiner shall enter an order that recites the action taken at the conference. The order, when entered, shall control the subsequent course of the action.

2222.18 In computing any period of time under this title, unless otherwise stated, time shall be computed in calendar days with the following exceptions:

(a) If the day of the act, event, or default after which the time period ends is a Saturday, Sunday, or legal holiday, the period shall run until the next day which is not a Saturday, Sunday, or legal holiday; and

(b) When the time period is five (5) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation of time.

2222.19 Where good cause is shown, and upon a written request, the Hearing Examiner may order an extension of time if made prior to the expiration of the period prescribed.

2222.20 The Hearing Examiner shall have the power to administer oaths, to take testimony under oath, subpoena witnesses, and require the production of records, papers, and documents relevant to the inquiry.

2222.21 A subpoena for the appearance of witnesses and production of documents at a hearing shall only be issued by the Hearing Examiner.

2222.22 A party may request a subpoena in writing, or the Hearing Examiner may issue a subpoena without a party's request.

2222.23 Any request that the Hearing Examiner issue a subpoena should include a copy of the proposed subpoena and shall state the relevance of the requested testimony or documents. Subpoenas and forms to request a subpoena are available on the Office's website.

2222.24 Unless otherwise provided by law or order of the Hearing Examiner, any request or a subpoena shall be filed no later than five (5) days prior to the hearing.

2222.25 It is the responsibility of the requesting party to serve a subpoena in a timely fashion. Any person, including a party, who is at least eighteen (18) years of age, may serve a subpoena.

2222.26 Service of a subpoena for a witness to appear at a hearing shall be made by personally delivering the subpoena to the witness. Unless otherwise ordered by the Hearing Examiner, service shall be made at least four (4) days before the hearing.

2222.27 A subpoena for the production of documents at a hearing shall be directed to either an individual, a corporation, the government, or another entity.

2222.28 A subpoena for the production of documents at a hearing shall be served by any of the following means:

(a) Handing it to the person or to a representative of the person or entity;

(b) Leaving it at a person's Office with a responsible adult, or if no one is available, leaving it in a conspicuous place in the Office;

(c) Leaving it with a responsible adult at an entity's Office that is connected to the case;

(d) Mailing it to the last known address of the person;

(e) Mailing it to the last known address of an entity's Office connected to the case; or

(f) Delivering it by any other means, including electronic means, if consented to in writing by the person or entity served, or as ordered by the Hearing Examiner.

2222.29 A person or entity ordered to produce documents at a hearing:

(a) Need not appear in person at the hearing unless ordered by the Hearing Examiner to do so;

(b) Shall produce the documents as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the subpoena; and

(c) Shall expressly make any claims of privilege or protection with a description of the documents not produced that is sufficient to enable the requesting party to contest the claim.

2222.30 A subpoena may be served at any place within the District or at any place outside the District that is within twenty-five (25) miles of the place of the hearing.

2222.31 To prove service of a subpoena, a party shall file a written statement or shall provide in-court testimony describing the date and manner of service and the names of the persons served.

2222.32 The Hearing Examiner may quash or modify a subpoena if it:

(a) Does not meet the requirements of this chapter;

(b) Was improperly served;

(c) Fails to allow a reasonable time for compliance;

(d) Requires a person who is not a party or an officer of a party to travel to a hearing more than twenty-five (25) miles from where that person resides, is employed, or regularly transacts business, except that such a person may be ordered to appear by telephone;

(e) Requires disclosure of a privileged or other protected information; or

(f) Subjects a person or entity to undue burden or expense.

2222.33 If a person or entity disobeys a subpoena, the Hearing Examiner may order compliance with the subpoena. If a person subject to the order fails to comply, the Hearing Examiner may impose monetary sanctions. In addition, a party may apply to the Superior Court of the District of Columbia for an order to show cause why that person should not be held in civil contempt.

2222.34 Except upon order of the Hearing Examiner, a hearing scheduled before the Hearing Examiner, may not be delayed by a motion for a continuance unless the motion is made at least one (1) day prior to the scheduled hearing date and, in the opinion of the Hearing Examiner, sets forth good and sufficient cause for the continuance.

2222.35 If a party to any proceeding under this chapter without sufficient reason fails to appear at the time and place set for the hearing, the Hearing Examiner may proceed to hear the matter on the record.

2222.36 Hearings shall be recorded and transcribed under the direction of the Hearing Examiner.

2222.37 Upon payment of reasonable cost, a transcript of the proceeding shall be supplied to interested parties.

2222.38 Within a reasonable time after the close of a proceeding, the Hearing Examiner shall render a proposed written decision, accompanied by findings of fact, conclusions of law, and recommendations to the Executive Director.

2222.39 The Executive Director may change a finding of fact or conclusion of law made by the Hearing Examiner or may vacate or modify an order issued by the Hearing Examiner only if the Executive Director determines:

(a) That the Hearing Examiner did not properly apply or interpret applicable law, office rules, written policies, or prior administrative decisions;

(b) That a prior administrative decision on which the Hearing Examiner relied is incorrect or should be changed; or

(c) That a technical error in a finding of fact should be changed.

2222.40 If the Executive Director makes a change to a finding of fact or conclusion of law or vacates or modifies an order of the Hearing Examiner, the Executive Director must state in writing the specific reason and the legal basis for the change.

2222.41 If the recommendation of the Hearing Examiner is adverse to the person who filed the request for a hearing, the person may file exceptions and present arguments to the Executive Director. The Executive Director shall make all final decisions on the issuance of fines or the denial, revocation, or suspension of licenses.

2222.42 The Executive Director shall issue a final order accompanied by findings of fact and conclusions of law.

2222.43 Findings of fact shall consist of a concise statement of conclusions on each contested issue of fact and shall be based solely upon the evidence contained in the record.

2222.44 Findings of fact and conclusions of law shall be supported by and in accordance with reliable, probative, and substantial evidence.

2222.45 At any time, the Hearing Examiner or the Clerk, in consultation with the Hearing Examiner, may correct clerical, typographical, numerical, or technical mistakes in the record and errors from oversight or omission.

2222.46 The Hearing Examiner may order that notice of such corrections be given to the parties.

2222.47 If a party has filed a request for appellate review, such mistakes may be corrected before the record is transmitted to the reviewing court and thereafter may be corrected with leave of the reviewing court.

2222.48 Any person whose license is revoked, suspended, or assessed a penalty by the final decision of the Office following a hearing shall have the right to appeal the

decision to the Superior Court of the District of Columbia within the time fixed by rule of the Court.

2223-2298 [RESERVED]

2299 DEFINITIONS

2299.1 The following definitions shall apply to this chapter:

"**ABC Board**" means the Alcoholic Beverage Control Board, established by D.C. Official Code §25-201.

"ABRA" means the Alcoholic Beverage Regulation Administration, established by D.C. Official Code § 25-202.

"Applicant" means an individual, group of individuals or entity who applies for a GOS License in the District of Columbia.

"Business Days" means any day except Saturdays, Sundays, and legal public holidays.

"CFO" means the Chief Financial Officer of the District of Columbia.

"Centralized Accounting System" or "CAS" means the accounting management system that continuously monitors each GOS Machine via a defined protocol, utilizing a dedicated line, Wi-Fi, or other secure transmission methods. A CAS main task is to provide logging, searching, and reporting of events to ensure the legality and integrity of the GOS Machines, as well as the collection of financial, metering data and the generation of various reports. The CAS is expected to facilitate the licensing and compliance (including support of 10% tax collection) mandated by statute and regulation.

"Claimant" means a player who has won a GOS prize and submitted a valid claim for payment within the required time frame.

"Days" means calendar days.

"**Distributor**" means a person licensed under this chapter to buy or lease GOS Machines, or any major components or parts of a GOS Machine, from manufacturers for sale or lease and distribution to retailers. A Distributor may also maintain or service a retailer's GOS Machine or any major component or part of a GOS Machine.

"Executive Director" means the Executive Director of the Office of Lottery and Gaming.

"Game of Skill" or "GOS" means a game in which the outcome is determined by the skill of the player rather than by chance. Whether a GOS may be played in the District of Columbia is determined by the Executive Director.

"GOS Licensee" or "Licensee" means the holder of a GOS license.

"GOS Claim Form" or "GOS Claim Form" means a printed or electronic form that may be printed, authorized by the Office that a Claimant shall complete and submit to the licensed Retailer along with the GOS Voucher to be eligible to collect a prize.

"GOS Machine(s)" or **"GOS Machine"** means a mechanical or electronic gaming device whose operation requires the payment of or the insertion of money, token, GOS Voucher, or similar object and the result of whose operation depends in whole or in part upon the skill of the player can reward the winning player or players with cash, a gift card, or a Voucher that can be redeemed for cash.

"GOS Machine gross revenue" or "GOS Revenue" means the total of cash or cash equivalents received from a GOS Machine minus the total of cash or cash equivalents paid to players as a result of a GOS Machine; cash or cash equivalents paid to purchase annuities to fund prizes payable to players over a period of time as a result of a GOS Machine; GOSGR also means the actual cost paid by the license holder for personal property distributed to a player as a result of a GOS Machine, excluding travel expenses, food, refreshments, lodging, and services.

"GOS Voucher" or "GOS Voucher" means an encrypted validation number from a GOS Machine for the winner of a GOS game. The GOS Voucher shall contain the total amount of the cash award and details used for payment of the cash award or non-cash prize.

"Legacy machine" means a GOS Machine with a valid Alcoholic Beverage Regulatory Authority ("ABRA") endorsement sticker.

"Licensed establishment" means an on-premises retail establishment licensed by the ABC Board to sell, serve, and allow for the consumption of alcoholic beverages.

"Licensed premises" means the physical location of a licensed establishment that is authorized by the Office to offer GOS Machines.

"Licensee" means a person who possesses a GOS manufacturer, distributor, or retailer license issued by the Office.

"Manufacturer" means a person that is licensed under this title that manufactures or assembles GOS Machines for sale or lease to distributors or provides to distributors major components or parts of GOS Machines for the repair or maintenance of GOS Machines.

"Office" means the Office of Lottery and Gaming.

"Retailer" means a person that is licensed under this title to offer GOS Machines on its licensed premises.

Persons desiring to comment on the subject matter of this proposed rulemaking 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 Antar Johnson, Senior Counsel, Office Lottery and Gaming, 2235 Shannon Place S.E., Washington, D.C. 20020, or e-mailed to SWRules@dc.gov. Copies of the proposed rules may be obtained between 8:30 a.m. and 5:00 p.m. at the address stated above. Questions may be directed to (202) 645-8026.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING

RM-40-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code (D.C. Official Code) and in accordance with Section 2-505 of the D.C. Official Code,[1] of its intent to amend the following provisions in Chapter 40 (District of Columbia Small Generator Interconnection Rules) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR). The purpose of the amendments is: 1) to address system upgrade costs related to the interconnection of community renewable energy facilities (CREF), small generator interconnection timelines, and small generator interconnection costs; and 2) to incorporate a definition of Advanced Inverter, require Potomac Electric Power Company (Pepco) to mandate the deployment of advanced inverters in the District of Columbia effective January 1, 2022, to comply with IEEE 1547-2018 standards, and to establish a timeline and goals for inverter setting profiles.

2. Pursuant to Order Nos. 19676 and 19692, Staff was directed to convene a working group to review the Commission's Net Energy Metering (NEM) Rules and propose CREF-specific rule changes for the Commission's consideration. The Working Group looked at both Chapter 9 and Chapter 40 of the Commission's rules over the course of its seven meetings. The Commission finalized NEM rules in Chapter 9 on August 14, 2020,[2] and waived part of Chapter 9 to allow Pepco to move forward with a virtual CREF on May 1, 2020.[3] On April 10, 2020,[4] the Commission issued a Notice of Proposed Rulemaking (NOPR) so that stakeholders and other interested persons can comment on the Working Group proposals regarding system upgrade costs related to the interconnection of CREFs, small generator interconnection timelines, and small generator interconnection costs. The NOPR also included a definition of Advanced Inverter and language in Rule 4002.7 which closely mirrors the Advanced Inverter rules proposed in Maryland that were published in the *Maryland Register* on January 17, 2020. Furthermore, the Commission added Rule 4008.5 (a), which superseded the directive in Order No. 19969, and required quarterly reporting of the total amount of solar energy from solar energy systems meeting the requirements of D.C. Code § 34-1432(e)(1) for which interconnection requests have been submitted in the previous six (6) months, as required by the CleanEnergy DC Omnibus Amendment Act. Lastly, the NOPR also included Rule 4008.5 (b), to require the Electric Company to file monthly reports of final interconnection approvals for renewable generators.

---

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

2 67 *D.C. Reg.* 9742-9745 (August 14, 2020).

3 67 *D.C. Reg.* 4764-4765 (May 1, 2020).

4 67 *D.C. Reg.* 4042-4119 (April 10, 2020).

3. As a result of the comments received by commenters,[5] the Commission issues a second NOPR to further address and clarify concerns surrounding the maintenance of a public queue, sortable by feeder; Advanced Inverter profile development; Level 1, 2 interconnections cost letter, approval to install, and modified timelines; CREFs distribution system upgrades funding; conditions for applications requiring interconnection facilities or system upgrades; frequency of updates for the interconnection facilities cost matrix; electric distribution company's corrective action if an interconnection application fails to meet the target metrics for authorization to operate; cost burden of telemetry and communications; unconditional assignment and transfer of CREF ownership; and customer charge for CREFs, among other things. All persons interested in commenting on the content of this Notice of Second Proposed Rulemaking are invited to submit written comments no later than thirty (30) days after publication in the *D.C. Register*.

Chapter 40, DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to read as follows:

CHAPTER 40 DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES

[5] On May 22, 2020, the Commission extended the comments to be due on July 15, 2020, and indicated that reply comments are due on August 14, 2020. Initial comments were filed by the Department of Energy and Environment ("DOEE"), the Center for Renewables Integration, Inc. ("CRI"), DC Climate Action ("DCCA"), the Potomac Electric Power Company ("Pepco"), and Ipsun Solar, New Columbia Solar, Inc., SaveSolar, Sol Systems, SRECTrade, Inc., and the Maryland-DC-Delaware-Virginia Solar Energy Industries Association, (collectively, "Joint Solar Advocates")[5], with reply comments filed by DOEE, CRI, DCCA, Pepco, and the Office of the People's Counsel for the District of Columbia.

4000 PURPOSE AND APPLICABILITY

4000.1 This chapter establishes the District of Columbia Small Generator Interconnection Rules ("DCSGIR") which apply to facilities satisfying the following criteria:

(a) The total Nameplate Capacity of the Small Generator Facility is equal to or less than twenty (20) megawatts ("MW").

(b) The Small Generator Facility is not subject to the interconnection requirements of PJM Interconnection.

(c) The Small Generator Facility is designed to operate in parallel with the Electric Distribution System.

4001 INTERCONNECTION REQUESTS, FEES, AND FORMS

4001.1 Interconnection Customers seeking to interconnect a Small Generator Facility shall submit an Interconnection Request using a standard form approved by the Commission to the Electric Distribution Company ("EDC") that owns the Electric Distribution System ("EDS") to which interconnection is sought. The EDC shall establish processes for accepting Interconnection Requests electronically.

4001.2 The Commission shall determine the appropriate interconnection fees, and the fees shall be posted on the EDC's website and listed in the EDC's tariffs. There shall be no application fee for submitting a Level 1 Interconnection Request.

4001.3 In circumstances where standard forms and agreements are used as part of the interconnection process defined in this document, electronic versions of those forms shall be approved by the Commission and posted on the EDC's website. The EDC's Interconnection Request forms shall be provided in a format that allows for electronic entry of data.

4001.4 The EDC shall allow an Interconnection Request to be submitted through the EDC's website. The EDC shall allow electronic signatures to be used for Interconnection Request.

4001.5 In accordance with Subsection 4003.2 herein, Interconnection Customers may request an optional Pre-Application Report from the EDC to get information about the Electric Distribution System conditions at their proposed Point of Common Coupling without submitting a completed Interconnection Request form.

4001.6 The EDC shall assign each complete Interconnection Requests a queue position based on when it is deemed complete. The EDC shall maintain a single queue, which includes all Interconnection Requests which have been assigned a queue position. The queue information which pertains to Levels 2, 3, and 4

Interconnection Requests shall be available publicly, shall be sortable by feeder, and be updated at least monthly. Information to be included in the publicly-available queue is shown in Attachment A.

4001.7 The EDC shall maintain on its website an Interconnection Facilities Cost Matrix ("Interconnection Facilities Cost Matrix") as defined in Section 4099. The Interconnection Facilities Cost Matrix will be updated annually by April 1st of each year, and may be updated up to twice annually. The EDC shall file a Notice with the Commission of the Interconnection Facilities Cost Matrix it intends to post not less than fourteen (14) days prior to its posting, on the EDC website. The Notice shall specify the intended effective date of the Interconnection Facilities Cost Matrix. Each proposed update should be publicly posted for a ten (10)-day objection period. If no objections are filed with the Commission, the updated Interconnection Facilities Cost Matrix shall be made final. If two or more objections are received by the Commission pertaining to a certain cost item, the updated Interconnection Facilities Cost Matrix shall be postponed pending resolution of the objectionable cost data. In the event of any dispute or postponement, the filed and approved copy of the Interconnection Facilities Cost Matrix is controlling.

4002 APPLICABLE STANDARDS

4002.1 Unless one or more of the following standards are waived by the EDC, a Small Generator Facility must comply with the following standards, as applicable:

(a) Institute of Electrical and Electronics Engineers ("IEEE") 1547 Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces;

(b) IEEE 1547.1 - Standard Conformance Test Procedures for Equipment Interconnecting Distributed Energy Resources with Electric Power Systems and Associated Interfaces;

(c) IEEE 1547.2 - Application Guide for IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems;

(d) Underwriters Laboratories ("UL") 6142 Standard for Small Wind Turbine Systems; and

(e) UL 1741 Standard for Inverters, Converters and Controllers for Use in Independent Power Systems. UL 1741 compliance must be recognized or certified by a Nationally Recognized Testing Laboratory as designated by the U.S. Occupational Safety and Health Administration. Certification of a particular model or a specific piece of equipment is sufficient. It is also sufficient for an inverter built into a Generating Facility to be recognized as being UL 1741 compliant by a Nationally Recognized Testing Laboratory.

4002.2-4002.4 [RESERVED]

4002.5 The Interconnection Equipment shall meet the requirements of the most current approved version of each document listed in Subsection 4002.1, as amended and supplemented at the time the Interconnection Request is submitted.

4002.6 Nothing herein shall preclude the need for an on-site Witness Test or operational test by the Interconnection Customer.

4002.7 Advanced Inverters

To comply with IEEE 1547-2018:

(a) After January 1, 2022, any Small Generator Facility requiring an inverter that submits an interconnection request shall use an Advanced Inverter with either a default or a site-specific EDC required inverter settings profile, as determined by the EDC.

(b) Any Small Generator Facility may replace an existing inverter that was purchased prior to January 1, 2022, with an inverter of equal or greater ability than the original inverter, for use at the Small Generator Facility.

(c) The EDC shall establish default EDC required inverter settings profiles for Advanced Inverters pursuant to Subsection 4002.7(e), and shall publish the default EDC required inverter settings profile on the EDC's website prior to January 1, 2022.

(d) To the extent reasonable, pursuant to any modifications required by Subsection 4002.7(e), all EDC required inverter settings profiles shall be consistent with applicable Advanced Inverter recommendations from PJM Interconnection, LLC.

(e) A default EDC required inverter settings profile shall be established by an EDC to optimize the safe and reliable operation of the Electric Distribution System, and shall serve the following objectives:

(1) The primary objective is to incur no involuntary real power inverter curtailments incurred during normal operating conditions and minimal real power curtailments during abnormal operating conditions.

(2) The secondary objective is to enhance Electric Distribution System hosting capacity and to optimize the provision of grid support services.

(f) A site-specific EDC required inverter settings profile may be established by an EDC as necessary to optimally meet objectives established in Subsection 4002.7(e).

(g) All default EDC required inverter settings profiles will be documented in the interconnection agreements.

(h) A list of acceptable Advanced Inverters shall be published on the EDC's website prior to January 1, 2022.

4003 INTERCONNECTION REVIEW LEVELS

4003.1 The EDC shall review Interconnection Requests using one (1) or more of the four (4) levels of review procedures established by this chapter. The EDC shall first use the level of agreement specified by the Interconnection Customer in the Interconnection Request form. If a Small Generator Facility fails a screen at any level, the EDC may elect to complete the evaluation at the current level, if safety and reliability are not adversely impacted, or at the next appropriate level. The EDC may not impose additional requirements not specifically authorized unless the EDC and the Interconnection Customer mutually agree to do so in writing.

4003.2 If an Interconnection Customer requests a Pre-Application Report from the EDC, the request shall include:

(a) Contact information (name, address, phone and email).

(b) A proposed Point of Common Coupling, including latitude and longitude, site map, street address, utility equipment number (*e.g.*, pole number), meter number, account number or some combination of the above sufficient to clearly identify the location of the Point of Common Coupling.

(c) Generation technology and fuel source (if applicable).

(d) A three hundred dollar ($300) non-refundable processing fee.

4003.3 For each Pre-Application Report requested, which includes the requisite information and fee, the EDC shall furnish a report, within ten (10) business days of receipt of the completed Pre-Application Report request, which:

(a) Advises the Interconnection Customer that the existence of "Available Capacity" in no way implies that an interconnection up to this level may be completed without impacts since there are many variables studied as part of the interconnection review procedures.

(b) Informs the Interconnection Customer that the Electric Distribution System is dynamic and subject to change.

(c) Informs the Interconnection Customer that data provided in the Pre-Application Report may become outdated and not useful at the time of submission of the complete Interconnection Request.

(d) Includes the following information, if available:

(1) Total Capacity (MW) of substation/area bus or bank and distribution circuit likely to serve proposed Point of Common Coupling.

(2) Allocated Capacity (MW) of substation/area bus or bank and distribution circuit likely to serve proposed Point of Common Coupling.

(3) Queued Capacity (MW) of substation/area bus or bank and distribution circuit likely to serve proposed Point of Common Coupling.

(4) Available Capacity (MW) of substation/area bus or bank and distribution circuit most likely to serve proposed Point of Common Coupling.

(5) Whether the proposed Small Generator Facility is located on an area, spot or radial network.

(6) Substation nominal distribution voltage or transmission nominal voltage if applicable.

(7) Nominal distribution circuit voltage at the proposed Point of Common Coupling.

(8) Approximate distribution circuit distance between the proposed Point of Common Coupling and the substation.

(9) Relevant Line Section(s) peak load estimate, and minimum load data, when available.

(10) Number of protective devices and number of voltage regulating devices between the proposed Point of Common Coupling and the substation/area.

(11) Whether or not three-phase power is available at the proposed Point of Common Coupling and/or distance from three-phase service.

(12) Limiting conductor rating from proposed Point of Common Coupling to the electrical distribution substation.

(13) Based on proposed Point of Common Coupling, existing or known constraints such as, but not limited to, electrical dependencies at that location, short circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints, or secondary networks.

(14) The Pre-Application Report need only include pre-existing data. The EDC is not obligated in its preparation of a Pre-Application Report to conduct a study or other analysis of the proposed project in the event that data is not available. If the EDC cannot complete all or some of a Pre-Application Report due to lack of available data, the EDC will provide the potential Applicant with a Pre-Application Report that includes the information that is available and identify the information that is unavailable. Notwithstanding any of the provisions of this Section, the EDC shall, in good faith, provide Pre-Application Report data that represents the best available information at the time of reporting.

(e) As an alternative to information required pursuant to § 4003.3(d), the EDC may elect to perform a power flow-based study providing the Interconnection Customer with the maximum size distributed energy resource (DER) that can be installed at a specified location without Distribution System Upgrades and the constraint encountered precluding installation of a larger system without upgrades. EDC shall make available, upon request, a copy of its power flow-based study for each Interconnection Customer to the Commission.

4004 LEVEL 1 INTERCONNECTION REVIEWS

4004.1 For Level 1 Interconnection Review, the EDC shall use Level 1 procedures for evaluation of all Interconnection Requests to connect inverter-based Small Generator Facilities.

4004.2 For Level 1 Adverse System Impact screens, the EDC shall evaluate the potential for Adverse System Impacts using the following screens, which must be satisfied:

(a) The Small Generator Facility has a Nameplate Capacity of twenty (20) kW or less.

(b) For interconnection of a proposed Small Generator Facility to a Line Section on a Radial Distribution Circuit, the aggregated generation on the Line Section, including the proposed Small Generator Facility and all other generator facilities capable of coincidental export of energy on the Line Section, shall not exceed the anticipated minimum load on the Line Section, as determined by the results of a power flow-based study performed by the EDC to evaluate the impact of the proposed Small Generator Facility. If such results are unavailable, the aforementioned

aggregate generating capacity shall not exceed fifteen percent (15%) of the Line Section's annual peak load as most recently measured at the substation or calculated for the Line Section. Should the EDC have previously identified the aforementioned Line Section as exceeding fifteen percent (15%) of the Line Section's annual peak load, the EDC shall use its best efforts to complete a power-flow based study to evaluate the impact of the proposed Small Generator Facility as described herein. The EDC shall not fail the Small Generator Facility based solely on the application of the fifteen percent (15%) peak load limitation if the EDC has valid power flow-based study results that can be used to evaluate the impact of the proposed Small Generator Facility.

(c) When a proposed Small Generator Facility is to be interconnected on a single-phase shared Secondary Line, the aggregate generation capacity on the shared Secondary Line, including the proposed Small Generator Facility, may not exceed twenty (20) kW.

(d) When a proposed Small Generator Facility is single-phase and is to be interconnected on a transformer center tap neutral of a two hundred forty (240) volt service, its addition may not create an imbalance between the two (2) sides of the two hundred forty (240) volt service of more than twenty percent (20%) of the nameplate rating of the service transformer.

(e) For interconnection of a Small Generator Facility within a Spot Network or Area Network, the aggregate generating capacity including the Small Generator Facility may exceed fifty percent (50%) of the network's anticipated minimum load if the EDC determines that safety and reliability are not adversely impacted. If solar energy small generator facilities are used, only the anticipated daytime minimum load shall be considered. The EDC may select any of the following methods to determine the anticipated minimum load:

(1) The network's measured minimum load in the previous year, if available;

(2) Five percent (5%) of the network's maximum load in the previous year;

(3) The Interconnection Customer's good faith estimate, if provided; or

(4) The EDC's good faith estimate, if provided in writing to the Interconnection Customer, along with the reasons why the EDC considered the other methods to estimate minimum load inadequate.

(f) No construction of facilities by the EDC on its own system other than metering is required in order to accommodate the Small Generator Facility.

(1) If the Interconnection Request requires the construction of Interconnection Facilities or Distribution System Upgrades to accommodate the Small Generator Facility, the EDC shall continue its evaluation using Level 2 procedures, commencing at Subsection 4005.4(a)(1), and the EDC shall notify the Interconnection Customer that it is continuing its evaluation using Level 2 procedures, with an extended timeline of twenty-five (25) business days to Approval to Install.

(g) The EDC may use results from a valid power flow-based study performed to evaluate the impact of the proposed Small Generator Facility, provided such results are not used to fail any of the Subsections 4004.2 (c), (d), or (e) screens. EDC shall make available upon request a copy of its power flow-based study for each applicant to the Commission.

(h) If a Small Generator Facility fails a Level 1 Adverse System Impact screen, the EDC may elect to complete the evaluation at Level 1, if safety and reliability are not adversely impacted, or at the next appropriate level.

4004.3 The Level 1 Interconnection Review shall be conducted in accordance with the following procedures:

(a) The EDC shall, within five (5) business days after receipt of Part 1 of the Interconnection Request, notify the Interconnection Customer in writing or by electronic mail of the review results, which shall indicate that the Interconnection Request is complete or incomplete, and what materials, if any, are missing.

(b) When an Interconnection Request is complete, the EDC shall assign the Interconnection Request a Queue Position.

(c) Within five (5) business days after the EDC acknowledges receipt of a complete Interconnection Request, the EDC shall notify the Interconnection Customer of the Level 1 Adverse System Impact screening results. If the proposed interconnection meets all of the applicable Level 1 Adverse System Impact screens or the EDC determines that the Small Generator Facility can be interconnected safely and reliably to its system, the EDC shall provide the Interconnection Customer with an Approval to Install.

(d) The EDC will provide an EDC-executed Interconnection Agreement within three (3) business days of issuing the Approval to Install.

(e) Unless extended by mutual agreement of the Interconnection Customer and the EDC, within six (6) months of receiving an Approval to Install or six (6) months from the completion of any upgrades, whichever is later, the Interconnection Customer shall provide the EDC a completed Level 1 PART II - Small Generator Facility Interconnection Certificate of Completion Form, including the signed inspection certificate.

(f) The EDC may, within ten (10) business days of receiving a completed Level 1 PART II – Small Generator Facility Interconnection Certificate of Completion Form and the inspection certificate from the Interconnection Customer, conduct a Witness Test at a time mutually agreeable to the Interconnection Customer and the EDC. If the Witness Test fails to reveal that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the Interconnection Customer and the EDC. If the EDC determines that the Small Generator Facility fails the inspection it must provide a written explanation detailing the reasons and any standards violated. If the EDC does not perform the Witness Test within ten (10) business days or other time as is mutually agreed to by the Interconnection Customer and the EDC, the Witness Test is deemed waived.

(g) The EDC shall provide the Interconnection Customer with the Authorization to Operate within twenty (20) business days of receiving a completed Level 1 PART II - Small Generator Facility Interconnection Certificate of Completion Form, including the signed inspection certificate. An Interconnection Customer may begin interconnected operation of a Small Generator Facility provided that there is an Interconnection Agreement in effect, the EDC has received proof of the electrical code official's approval, the Small Generator Facility has passed any Witness Test by the EDC, and the EDC has issued the Authorization to Operate

(h) The EDC may require photographs of the site, Small Generator Facility components, meters, or any other aspect of the Interconnection Facilities as part of the Level 1 Interconnection Review process, provided that failure to provide a photo in a timely manner will not be a reason for the EDC to deem an Interconnection Request incomplete.

4004.4 [RESERVED]

4004.5 [RESERVED]

4004.6 The EDC, at its sole option, may approve the Interconnection Request provided that such approval is consistent with safety and reliability. If the EDC cannot determine that the Small Generator Facility may nevertheless be interconnected

consistent with safety, reliability, and power quality standards, the EDC shall provide the Interconnection Customer with detailed information on the reason(s) for failure in writing. In addition, the EDC shall either:

(a) Notify Interconnection Customer that the EDC is continuing to evaluate the Small Generator Facility under Supplemental Review if the EDC concludes that the Supplemental Review might determine that the Small Generator Facility could continue to qualify for interconnection pursuant to Level 2; or

(b) Offer to continue evaluating the Interconnection Request under Level 4.

4004.7 If, on an annual basis, the EDC fails to issue at least ninety percent (90%) of all Authorizations to Operate and Approval to Install in the Level 1 interconnection process (as specified within the timeline(s) stipulated in Subsection 4004.3), it shall be required to develop a corrective action plan.

(a) The corrective action plan shall describe the cause(s) of the EDC's non-compliance with Subsection 4004.7, describe the corrective measure(s) to be taken to ensure that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s). To the extent automation is an element of the corrective measure(s), this should be described in the plan.

(b) Progress on current corrective action plans shall be included in the EDC's Small Generator Interconnection Annual Report.

(c) The EDC shall report the actual performance of compliance with Subsection 4004.7 during the reporting period in the Small Generator Interconnection Annual Report of the following year.

4005 LEVEL 2 INTERCONNECTION REVIEWS

4005.1 For a Level 2 Interconnection Review, the EDC shall use the Level 2 procedures for an Interconnection Request.

4005.2 For Level 2 Adverse System Impact screens, the EDC shall evaluate the potential for Adverse System Impacts using the following screens, which must be satisfied:

(a) The Small Generator Facility Nameplate Capacity rating does not exceed the limits identified in the table below, which vary according to the voltage of the line at the proposed Point of Common Coupling. Small Generator Facilities located within two and a half (2.5) miles of a substation and on a main distribution line with a minimum six hundred (600)-amp capacity are eligible for Level 2 Interconnection Review under higher thresholds.

Line Capacity	Level 2 Eligibility

	Regardless of location	**On ≥ 600 amp line and ≤ 2.5 miles from substation**
≤ 4 kV	< 1 MW	< 2 MW
4.1 kV – 14 kV	< 2 MW	< 3 MW
15 kV – 30 kV	< 3 MW	< 4 MW
31 kV – 60 kV	≤ 4 MW	≤ 5 MW

(b) For interconnection of a proposed Small Generator Facility to a Radial Distribution Circuit, the Small Generator Facility aggregated with all other generation capable of coincidental exporting energy on the Line Section may not exceed the anticipated minimum load on the Line Section, as determined by the results of a power flow-based study performed by the EDC to evaluate the impact of the proposed Small Generator Facility. If such results are unavailable, the aforementioned aggregate generating capacity shall not exceed fifteen percent (15%) of the Line Section annual peak load, as most recently measured at the substation or calculated for the Line Section. Should the EDC have previously identified the aforementioned Line Section as exceeding fifteen percent (15%) of the Line Section's annual peak load, the EDC shall use its best efforts to complete a power-flow based study to evaluate the impact of the proposed Small Generator Facility as described herein. The EDC shall not fail the Small Generator Facility based solely on the application of the fifteen percent (15%) peak load limitation if the EDC has valid power flow-based study results that can be used to evaluate the impact of the proposed Small Generator Facility.

(c) For interconnection of a proposed Small Generator Facility within a Spot or Area Network, the proposed Small Generator Facility shall utilize an inverter-based equipment package and use a minimum import relay or other protective scheme that will ensure power imported from the EDC to the network will, during normal EDC operations, remain above twenty percent (20%) of the minimum load on the network transformer based on historical data, or will remain above an import point reasonably set by the EDC in good faith. For interconnection of a proposed Small Generator Facility within an Area Network, the proposed Small Generator Facility shall utilize an inverter-based equipment package and adhere to a maximum aggregate export level of eighty percent (80%) of the generation level that would cause reverse flow on a network transformer, or will remain below an export point reasonably set by the EDC in good faith. At the EDC's discretion, the requirement for minimum import relays or other protective schemes may be waived.

(d) The proposed Small Generator Facility, in aggregation with other generation on the distribution circuit, may not contribute more than ten percent (10%) to the distribution circuit's maximum Fault Current at the point on the high voltage (primary) level nearest the Point of Common Coupling.

(e) The proposed Small Generator Facility, in aggregate with other generation on the distribution circuit, may not cause any distribution protective devices and equipment (including substation breakers, fuse cutouts, and line reclosers), or EDC customer equipment on the Electric Distribution System, to exceed ninety percent (90%) of the short circuit interrupting capability. The Interconnection Request may not receive approval for interconnection on a circuit that already exceeds ninety percent (90%) of the short circuit interrupting capability.

(f) The proposed Small Generator Facility's Point of Common Coupling may not be on a transmission line.

(g) The Small Generator Facility complies with the applicable type of interconnection, based on the table below. This screen includes a review of the type of electrical service provided to the Interconnecting Customer, including line configuration and the transformer connection to limit the potential for creating over-voltages on the EDC's Electric Distribution System due to a loss of ground during the operating time of any anti-islanding function. This screen does not apply to Small Generator Facilities with a gross rating of 11 kVA or less.

Primary Distribution Line Configuration	**Type of Interconnection to be Made to the Primary Circuit**	**Results/Criteria**
Three-phase, three-wire	Any type	Pass Screen
Three-phase, four-wire	Single-phase, line-to-neutral	Pass Screen
Three-phase, four-wire (For any line that has such a section, or mixed three wire and four wire)	All Others	To pass, aggregate Small Generator Facility Nameplate Capacity must be less than or equal to 10% of Line Section peak load

(h) When the proposed Small Generator Facility is to be interconnected on single-phase shared Secondary Line, the aggregate generation capacity on the shared Secondary Line, including the proposed Small Generator Facility, shall not exceed sixty-five percent (65%) of the transformer nameplate power rating.

(i) When a proposed Small Generator Facility is single-phase and is to be interconnected on a transformer center tap neutral of a two hundred forty (240)-volt service, its addition may not create an imbalance between the

two sides of the 240-volt service of more than twenty percent (20%) of the nameplate rating of the service transformer.

(j) A Small Generator Facility, in aggregate with other generation interconnected to the distribution low-voltage side of a substation transformer feeding the electric distribution circuit where the Small Generator Facility proposes to interconnect, may not exceed 20MW in an area where there are known or posted transient stability limitations to generating units located in the general electrical vicinity (*e.g.* three (3) or four (4) transmission voltage level buses from the Point of Common Coupling), or the proposed Small Generator Facility shall not have interdependencies, known to the EDC, with earlier-queued Interconnection Requests.

(k) Except as permitted by the modified Level 2 review process in Subsection 4005.6, no construction of facilities by the EDC on its own system other than metering shall be required to accommodate the Small Generator Facility.

(l) The EDC may use results from a valid power flow-based study performed to evaluate the impact of the proposed Small Generator Facility, provided such results are not used to fail any of the Subsection 4005.2 (c), (d), (e), (f), (g), (h), (i), or (j) screens.

(m) If a power-flow analysis is performed based on Subsections 4005.2 (b) or (l), the EDC shall make available upon request a copy of its power flow-based study for each applicant to the Commission.

4005.3 [RESERVED]

4005.4 The Level 2 Interconnection Review shall be conducted in accordance with the following procedures:

(a) The EDC shall, within five (5) business days after receipt of Part 1 of the Interconnection Request, acknowledge, in writing or by electronic mail, receipt of the Interconnection Request, indicating whether it is complete or incomplete, and the appropriate application fee.

(1) If the Interconnection Request requires the construction of Interconnection Facilities or Distribution System Upgrades, the following additional information will be required to be submitted with the application. Provision of the additional information does not preclude challenging the findings in accordance with Subsection 4005.4(a)(2).

(A) Electrical room drawings. Such drawings may be omitted for the CREF initial application submission, but could be

required by the EDC upon confirmation of the CREF location by the Interconnection Customer and the EDC.

(B) Meter locations.

(C) Initial proposed interconnection drawings.

(2) If the EDC requires the construction of Distribution System Upgrades during the Interconnection Request process, the EDC shall provide a technical explanation that reviews the need for the identified facilities and/or upgrades. The EDC shall demonstrate that required functionalities are not satisfied by employing IEEE STD 1547 certified and UL 1741 SA listed equipment.

If requested by the Interconnection Customer, and agreed to by the Interconnection Customer and the EDC, a Modified Level 1/2 Scoping Meeting shall be held within ten (10) business days, or other mutually agreed to time, after the EDC has notified the Interconnection Customer that Interconnection Facilities and/or a Distribution System Upgrade are being required by the EDC. The Modified Level 1/2 Scoping Meeting shall take place in person, by telephone, or electronically by a means mutually agreeable to the Interconnection Customer and the EDC. The purpose of this meeting shall be to review the Interconnection Request, existing studies relevant to the Interconnection Request, the conditions at the proposed location, the results of the Level 1 or Level 2 Adverse System Impact screening criteria, and a technical explanation in which the EDC reviews the need for the aforementioned facilities and/or system upgrade.

(b) When the Interconnection Request is deemed incomplete, the EDC shall provide a written list detailing all information that must be provided to complete the request. The Interconnection Customer shall have ten (10) business days after receipt of the list to revise the Interconnection Request to include the requested information and resubmit the Interconnection Request or request an extension of time to provide such information. If the Interconnection Request is not resubmitted with the requested information within ten (10) days, the Interconnection Request shall be deemed withdrawn. The EDC shall notify the Interconnection Customer within three (3) business days of receipt of a revised Interconnection Request whether the request is complete or incomplete. The EDC may deem the request withdrawn if it remains incomplete.

(c) When an Interconnection Request is complete, the EDC shall assign a Queue Position.

(d) Unless Subsection 4005.6 applies, within fifteen (15) business days after the EDC notifies the Interconnection Customer that it has received a completed Interconnection Request, the EDC shall evaluate the Interconnection Request using the Level 2 screening criteria and notify the Interconnection Customer whether the Small Generator Facility meets all of the applicable Level 2 Adverse System Impact screens. If the proposed interconnection meets all of the applicable Level 2 Adverse System Impact screens and the EDC determines that the Small Generator Facility can be interconnected safely and reliably to the Electric Distribution System, the EDC shall provide the Interconnection Customer an Approval to Install. The EDC shall provide an EDC-executed Interconnection Agreement within three (3) business days after notification of Level 2 issuance of the Approval to Install.

(1) If Distribution System Upgrade(s) are required, the Interconnection Customer will be notified at this time that the modified process in 4005.6 has been triggered, with an extended timeline of twenty-five (25) business days to Approval to Install.

(e) Unless extended by mutual agreement of the Interconnection Customer and the EDC, within twenty-four (24) months of receiving an Approval to Install or six (6) months of completion of any Distribution System Upgrades, whichever is later, the Interconnection Customer shall provide the EDC with the signed Level 2-4 Part II – Small Generator Interconnection Certificate of Completion, including the signed inspection certificate. An Interconnection Customer shall communicate with the EDC no less frequently than every six (6) months regarding the status of a proposed Small Generator Facility to which an Interconnection Agreement refers.

(f) The EDC may conduct a Witness Test within ten (10) business days of receiving the completed Level 2-4 Part II – Small Generator Facility Interconnection Certificate of Completion and the signed inspection certificate from the Interconnection Customer, conduct a Witness Test at a time mutually agreeable to the Interconnection Customer and the EDC. If the Witness Test fails to reveal that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the Interconnection Customer and the EDC. If the EDC determines that the Small Generator Facility fails the inspection it must provide a written explanation detailing the reasons and any standards violated. If the EDC does not perform the Witness Test within ten (10) business days or other such time as is mutually agreed to by the Interconnection Customer and the EDC, the Witness Test is deemed waived.

(g) An Interconnection Customer may begin interconnected operation of a Small Generator Facility provided that there is an Interconnection Agreement in effect, the EDC has received proof of the electrical code official's approval, the Small Generator Facility has passed any Witness Test by the EDC, and the EDC has issued the Authorization to Operate. Evidence of approval by an electric code official includes a signed inspection certificate.

(h) The EDC may require photographs of the site, Small Generator Facility components, meters, or any other aspect of the Interconnection Facilities as part of the Level 2 Interconnection Review process, provided that failure to provide a photo in a timely manner will not be a reason for the EDC to deem an Interconnection Request incomplete.

4005.5 [RESERVED]

4005.6 Modifications to Level 2 Interconnection Review Process:

(a) If the Interconnection Request requires the addition of Interconnection Facilities that fall within the Interconnection Facilities Cost Matrix, as described in Subsection 4001.7, the following process shall be followed for the Approval to Install. Subsection 4005.4(d) does not apply.

(1) If the only Interconnection Facilities required in the Interconnection Request are captured in one or more of the categories in the Interconnection Facilities Cost Matrix, the Interconnection Customer will be responsible only for the applicable Interconnection Facilities cost(s) from the Interconnection Facilities Cost Matrix.

(2) The cost(s) from the Interconnection Facilities Cost Matrix will be final costs.

(3) The EDC shall issue the final cost letter, which shall contain only the applicable cost(s) from the Interconnection Facility Cost Matrix and will be provided concurrently with the Approval to Install, and shall be provided within twenty-five (25) business days after the Interconnection Request is deemed complete.

(b) If the Interconnection Request requires the addition of Interconnection Facilities and the Interconnection Facilities Cost Matrix is not applicable or requires the addition of Distribution System Upgrades, the following process shall be followed for the Approval to Install. Subsection 4005.4(d) does not apply.

(1) The estimated cost letter shall be provided within twenty-five (25) business days after the Interconnection Request is deemed complete.

(2) The EDC will provide a cost estimate based on a forty percent (40%) design that is accurate within +/- fifty percent (50%) concurrently with the Approval to Install.

(3) Unless extended by mutual agreement of the Interconnection Customer and the EDC, the Interconnection Customer must agree to the cost estimate and the operational requirements and execute the Interconnection Agreement within ten (10) business days of receiving the Approval to Install.

(4) Once the Interconnection Customer has approved the cost letter and operational requirements, the Interconnection Customer is responsible for the costs the EDC incurs designing or constructing Interconnection Facilities or Distribution System Upgrades if the Interconnection Customer decides not to move forward with the interconnection of the Small Generator Facility.

(5) Within sixty (60) business days after the EDC notifies the Interconnection Customer that it has received a completed Interconnection Request, the EDC will issue a final cost letter based on one hundred percent (100%) design. The cost letter will include a detailed list of necessary Distribution System Upgrades and an itemized final cost, breaking out taxes, total materials cost, and total labor cost for completing such upgrades. The final cost letter will also indicate the milestones for completion of the Interconnection Customer's installation of its Small Generator Facility and the EDC's completion of any Distribution System Upgrade, and these milestones will be incorporated by reference into the Interconnection Agreement. Upon receipt of the Interconnection Customer's written approval of the final cost letter, the EDC shall provide to the Interconnection Customer an invoice for the final costs within ten (10) business days.

(6) If the Interconnection Customer changes the design of the interconnection of the Small Generator Facility at any point, the estimated cost letter, Approval to Install, Interconnection Agreement, and final cost letter, as applicable, may be void. The Interconnection Customer shall notify the EDC of the requested design changes and if, in the reasonable judgement of the EDC, a reevaluation of the estimated and/or final cost letter is required, EDC will provide Interconnection Customer within ten (10) business days of receipt of the Interconnection Customer's notice an estimate of the time required to re-evaluate the costs and a request for all required technical data related to the proposed changes. Interconnection Customer may either (i) accept the additional time and cost to complete the re-evaluation, (ii) withdraw the proposed changes, or (iii) proceed with a new

Interconnection Request for such changes. Interconnection Customer shall provide EDC written notice of its election within ten (10) business days following Interconnection Customer's receipt of EDC's estimated additional time.

(7) The EDC will provide an EDC-executed Interconnection Agreement within three (3) business days of issuing the Approval to Install.

(c) The EDC shall design, procure, construct, install, and own any Distribution System Upgrades for a CREF. The Distribution System Upgrades costs shall be allocated as follows, subject to availability of funding.

(1) The total Distribution System Upgrade costs for shared allocation as described above shall be capped at $500,000 per calendar year. Costs paid by EDC for CREF Distribution System Upgrades shall be tracked as a regulatory asset and recovered in its next base rate case as distribution plant.

(2) If funding is available, Distribution System Upgrade cost responsibility shall be assigned as follows:

(A) For Distribution System Upgrade costs of $50,000 or less, fifty percent (50%) of the costs shall be paid for by the CREF Interconnection Customer and fifty percent (50%) of the costs paid for by the EDC.

(B) For Distribution System Upgrade costs of over $50,000, the portion paid by the EDC shall be capped at $25,000. The CREF Interconnection Customer shall pay the balance of the Distribution System Upgrade costs after the EDC portion has been subtracted.

(3) If the annual funding is exhausted and thus no longer available, the CREF shall pay one hundred percent (100%) of costs.

4005.7 When a Small Generator Facility is not approved under a Level 2 review, the EDC, at its sole option, may approve the Interconnection Request provided such approval is consistent with safety and reliability and shall provide the Interconnection Customer an Approval to Install after the determination. If the EDC cannot determine that the Small Generator Facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards, the EDC shall provide the Interconnection Customer with detailed information on the reason(s) for failure in writing. In addition, the EDC shall either:

(a) Notify Interconnection Customer that the EDC is continuing to evaluate the Interconnection Request under Supplemental Review if the EDC

concludes that the Supplemental Review might determine that the Small Generator Facility could continue to qualify for interconnection pursuant to Level 2; or

(b) Offer to continue evaluating the Interconnection Request under Level 4.

4005.8 On an annual basis, if the EDC fails to issue at least ninety percent (90%) of all Authorizations to Operate and Approval to Install in the Level 2 interconnection process (as specified within the timeline(s) specified in Subsections 4005.4 and 4005.6), and it shall be required to develop a corrective action plan.

(a) The corrective action plan shall describe the cause(s) of the EDC's non-compliance with Subsection 4005.8, describe the corrective measure(s) to be taken to ensure that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s). To the extent automation is an element of the corrective measure(s), this should be described in the plan.

(b) Progress on current corrective action plans shall be included in the EDC's Small Generator Interconnection Annual Report.

(c) The EDC shall report the actual performance of compliance with Subsection 4005.8 during the reporting period in the Small Generator Interconnection Annual Report of the following year, including milestones for the number of Interconnection Requests in total, number and percentage meeting timeline requirements for Approval to Install, estimated cost letter, final cost letter, and Authorization to Operate, as they pertain to certain sections of Level 2 procedures:

(1) Unmodified (Subsection 4005.4 (c)),

(2) Modified, Cost Matrix (Subsection 4005.6 (a), and

(3) Modified, Cost Matrix Not Applicable (Subsection 4005.6 (b)).

4006 LEVEL 3 INTERCONNECTION REVIEWS

4006.1 The EDC shall use Level 2 Interconnection Review procedures for evaluating Level 3 Interconnection Requests provided the proposed Small Generator Facility has a Nameplate Capacity rating not greater than 20MW and uses reverse power relays, minimum import relays, or other protective devices to assure that power may never be exported from the Small Generator Facility to the EDC's electrical distribution system. An Interconnection Customer proposing to interconnect a Small Generator Facility to a spot or Area Network is not permitted under the Level 3 review process.

4007 LEVEL 4 INTERCONNECTION REVIEWS

4007.1 The EDC shall use the Level 4 Interconnection Review procedures for evaluating Interconnection Requests when:

(a) The Interconnection Request was not approved under a Level 1, Level 2, or Level 3 Interconnection Review and the Interconnection Customer has submitted a new Interconnection Request for consideration under a Level 4 Interconnection Review or requested that the rejected Interconnection Request be treated as a Level 4 Interconnection Request; and

(b) The Interconnection Request does not meet the criteria for qualifying for a review under Level 1, Level 2, or Level 3 Interconnection Review procedures.

4007.2 The Level 4 Interconnection Review shall be conducted in accordance with the following process:

(a) Within five (5) business days from receipt of Part I of an Interconnection Request or transfer of an existing request to a Level 4 Interconnection Request, the EDC shall notify the Interconnection Customer whether the request is complete.

(1) If the Interconnection Request requires the construction of Interconnection Facilities or Distribution System Upgrades, the following additional information could be required by the EDC for submission with the application:

(A) Electrical room drawings.

(B) Meter locations.

(C) Initial proposed interconnection drawings.

(2) If the EDC requires the construction of Distribution System Upgrades during the Interconnection Request process, the EDC shall provide a technical explanation that justifies the need for the identified facilities and/or upgrades. The EDC shall demonstrate that required functionalities are not satisfied by employing IEEE STD 1547 certified and UL 1741 SA listed equipment.

(b) When the Interconnection Request is deemed not complete, the EDC shall provide the Interconnection Customer with a written list detailing information required to complete the Interconnection Request. The Interconnection Customer shall have twenty (20) business days to revise the Interconnection Request to include the requested information and resubmit the Interconnection Request, or the Interconnection Request shall be considered withdrawn. The Interconnection Customer and the EDC may agree to extend the time for receipt of the revised Interconnection Request. The EDC shall notify the Interconnection Customer within five

(5) business days of receipt of the revised Interconnection Request whether the Interconnection Request is complete. The EDC may deem the Interconnection Request withdrawn if it remains incomplete.

(c) When an Interconnection Request is complete, the EDC shall assign a Queue Position.

(d) The following procedures shall be followed in performing a Level 4 Interconnection Review:

(1) By mutual agreement of the Interconnection Customer and the EDC, the Scoping Meeting, interconnection feasibility study, interconnection impact study, or Facilities Study provided for in a Level 4 Interconnection Review and discussed in this paragraph may be waived;

(2) If agreed to by the Interconnection Customer and the EDC, a Scoping Meeting shall be held within ten (10) business days, or other mutually agreed to time, after the EDC has notified the Interconnection Customer that the Interconnection Request is deemed complete, or the Interconnection Customer has requested that its Interconnection Request proceed after failing the requirements of a Level 2 Interconnection Review or Level 3 Interconnection Review. The Scoping Meeting shall take place in person, by telephone, or electronically by a means mutually agreeable to the Interconnection Customer and EDC. The purpose of the Scoping Meeting shall be to review the Interconnection Request; existing studies relevant to the Interconnection Request; the conditions at the proposed location including the available Fault Current at the proposed location, the existing peak loading on the lines in the general vicinity of the proposed Small Generator Facility, and the configuration of the distribution line at the proposed Point of Common Coupling; and the results of the Level 1, Level 2 or Level 3 Adverse System Impact screening criteria;

(3) When the Interconnection Customer and EDC agree at a Scoping Meeting that an interconnection feasibility study shall be performed, and if the Interconnection Customer and EDC do not waive the interconnection impact study, the EDC shall provide to the Interconnection Customer, no later than five (5) business days after the Scoping Meeting, an Interconnection System Feasibility Study Agreement, including an outline of the scope of the study and a nonbinding good faith estimate of the cost and time to perform the study;

(4) When the Interconnection Customer and EDC agree at a Scoping Meeting that an interconnection feasibility study is not required,

and if the Interconnection Customer and EDC agree that an interconnection system impact study shall be performed, the EDC shall provide to the Interconnection Customer, no later than five (5) business days after the Scoping Meeting, an Interconnection System Impact Study Agreement, including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study; and

(5) When the Interconnection Customer and EDC agree at the Scoping Meeting that an interconnection feasibility study and interconnection system impact study are not required, the EDC shall provide to the Interconnection Customer, no later than five (5) business days after the Scoping Meeting, an Interconnection Facilities Study Agreement including an outline of the scope of the study and a nonbinding good faith estimate of the cost to perform the study.

(6) The EDC may elect to perform one or more of these studies concurrently.

(e) Any required Adverse System Impact studies shall be carried out using the following guidelines:

(1) An interconnection feasibility study shall include the following analyses and conditions for the purpose of identifying and addressing potential Adverse System Impact to the EDC's Electric Distribution System that would result from the interconnection:

(A) Initial identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;

(B) Initial identification of any thermal overload or voltage limit violations resulting from the interconnection;

(C) Initial review of grounding requirements and system protection;

(D) Description and nonbinding estimated cost of facilities required to interconnect the Small Generator Facility to the EDC's Electric Distribution System in a safe and reliable manner; and

(E) Additional evaluations, at the expense of the Interconnection Customer, when an Interconnection Customer requests that the interconnection feasibility study evaluate multiple potential Points of Common Coupling.

(2) An interconnection system impact study shall evaluate the impacts of the proposed interconnection on both the safety and reliability of the EDC's Electric Distribution System. The study shall identify and detail the Adverse System Impacts that result when a Small Generator Facility is interconnected without project modifications or Distribution System Upgrades, focusing on the Adverse System Impacts identified in the interconnection feasibility study or potential impacts including those identified in the Scoping Meeting. The interconnection system impact study shall consider all Small Generator Facilities that, on the date the interconnection system impact study is commenced, are directly interconnected with the EDC's Electric Distribution System, have a pending higher Queue Position to interconnect to the system, or have a signed Interconnection Agreement.

(A) A distribution interconnection system impact study shall be performed when a potential Electric Distribution System Adverse System Impact is identified in the interconnection feasibility study. The EDC shall send the Interconnection Customer an Interconnection System Impact Study Agreement within five (5) business days of transmittal of the interconnection feasibility study report. The agreement shall include an outline of the scope of the study and a good faith estimate of the cost to perform the study. The impact study shall include:

(i) A load flow study;

(ii) Identification of Affected Systems;

(iii) An analysis of equipment interrupting ratings;

(iv) A protection coordination study;

(v) Voltage drop and flicker studies;

(vi) Protection and set point coordination studies;

(vii) Grounding reviews; and

(viii) Impact on system operation.

(B) An interconnection system impact study shall consider the following criteria:

(i) A short circuit analysis;

(ii) A stability analysis;

(iii) Alternatives for mitigating Adverse System Impacts on Affected Systems;

(iv) Voltage drop and flicker studies;

(v) Protection and set point coordination studies; and

(vi) Grounding reviews.

(C) The final interconnection system impact study shall provide the following:

(i) The underlying assumptions of the study;

(ii) The results of the analyses;

(iii) A list of any potential impediments to providing the requested interconnection service;

(iv) Required distribution upgrades; and

(v) A nonbinding good faith estimate of cost and time to construct any required Distribution System Upgrades.

(D) The Interconnection Customer and EDC shall use an Interconnection System Impact Study Agreement approved by the Commission.

(3) The Facilities Study shall be conducted as follows:

(A) Within five (5) business days of completion of the interconnection system impact study, the EDC shall transmit a report to the Interconnection Customer with an Interconnection Facilities Study Agreement, which includes an outline of the scope of the study and a nonbinding good faith estimate of the cost and time to perform the study;

(B) The Facilities Study shall estimate the cost of the equipment, engineering, procurement and construction work including overheads needed to implement the conclusions of the interconnection feasibility study and the interconnection system impact study to interconnect the Small Generator Facility. The Facilities Study shall identify:

(i) The electrical switching configuration of the equipment, including transformer, switchgear, meters and other station equipment;

(ii) The nature and estimated cost of the EDC's Interconnection Facilities and Distribution System Upgrades necessary to accomplish the interconnection; and

(iii) An estimate of the time required to complete the construction and installation of the facilities;

(C) The Interconnection Customer and EDC may agree to permit an Interconnection Customer to separately arrange for a third party to design and construct the required Interconnection Facilities. The EDC may review the design of the facilities under the Interconnection Facilities Study Agreement. When the Interconnection Customer and EDC agree to separately arrange for design and construction and to comply with security and confidentiality requirements, the EDC shall make all relevant information and required specifications available to the Interconnection Customer to permit the Interconnection Customer to obtain an independent design and cost estimate for the facilities, which shall be built in accordance with the specifications;

(D) Upon completion of the Facilities Study and with the agreement of the Interconnection Customer to pay for the Interconnection Facilities and Distribution System Upgrades identified in the Facilities Study, the EDC shall issue the Approval to Install; and

(E) The Interconnection Customer and EDC shall use an Interconnection Facilities Study Agreement approved by the Commission.

(f) Upon completion or waiver of procedures defined in Subsection 4007.2 (c) as mutually agreed by the Interconnection Customer and EDC and the EDC determines that the Small Generator Facility can be interconnected safely and reliably to the Electric Distribution System, the EDC shall provide the Interconnection Customer with an Approval to Install. If the Interconnection Request is denied, the EDC shall provide a written explanation;

(g) When Distribution System Upgrades are required, the interconnection of the Small Generator Facility shall proceed according to milestones agreed

to by the Interconnection Customer and EDC in the Interconnection Agreement. The Authorization to Operate may not be issued until:

(1) The milestones agreed to in the Interconnection Agreement are satisfied;

(2) The Small Generator Facility is approved by electric code officials with jurisdiction over the interconnection;

(3) The Interconnection Customer provides a Certificate of Completion to the EDC. Completion of local inspections may be designated on inspection forms used by local inspecting authorities; and

(4) There is a successful completion of the Witness Test per the terms and conditions found in the Standard Agreement for Interconnection of Small Generator Facilities, unless waived.

(h) The EDC may require photographs of the site, Small Generator Facility components, meters or any other aspect of the Interconnection Facilities as part of the Level 4 Interconnection Review process, provided that failure to provide a photo in a timely manner will not be a reason for the EDC to deem an Interconnection Request incomplete.

4007.3 An interconnection system impact study is not required when the interconnection feasibility study concludes there is no Adverse System Impact, or when the study identifies an Adverse System Impact, but the EDC is able to identify a remedy without the need for an interconnection system impact study.

4007.4 The Interconnection Customer and EDC shall use a form of Interconnection Feasibility Study Agreement approved by the Commission.

4008 TECHNICAL REQUIREMENTS

4008.1 Unless one or more of the listed standards are waived by the EDC, a Small Generator Facility must comply with the technical standards listed in Subsection 4002.1, as applicable.[6]

4008.2 When an Interconnection Request is for a Small Generator Facility that includes multiple energy production devices at a site for which the Interconnection Customer seeks a single Point of Common Coupling, the Interconnection Request

[6] The PJM Manual, PJM Manual 14G, "Generation Interconnection Requests" Attachment C, which is available at: https://www.pjm.com/-/media/documents/manuals/m14g.ashx, shall be used as a guide (but not a requirement) to detail and illustrate the interconnection protection requirements that are provided in IEEE Standard 1547.

shall be evaluated on the basis of the aggregate Nameplate Capacity of multiple devices.

4008.3 When an Interconnection Request is for an increase in capacity for an existing Small Generator Facility, the Interconnection Request shall be evaluated on the basis of the new total Nameplate Capacity of the Small Generator Facility.

4008.4 The EDC shall maintain records of the following for a minimum of three (3) years:

(a) The total number of and the Nameplate Capacity of the Interconnection Requests received, approved, and denied under Level 1, Level 2, Level 3, and Level 4 reviews;

(b) The number of Interconnection Requests that were not processed within the timelines established in this rule;

(c) The number of Scoping Meetings held and the number of feasibility studies, impact studies, and Facility Studies performed, and the fees charged for these studies;

(d) The justifications for the actions taken to deny Interconnection Requests; and

(e) Any special operating requirements required in Interconnection Agreements that are not part of the EDC's written and published operating procedures applicable to Small Generator Facilities.

4008.5 The EDC shall provide a report to the Commission containing the information required in Subsection 4008.4, paragraphs (a)-(c) within ninety (90) calendar days of the close of each year.

(a) The EDC shall include the total amount of solar energy from solar energy systems meeting the requirements of D.C. Official Code § 34-1432(e)(1) for which interconnection requests have been submitted in the previous six (6) months in its Quarterly Interconnection Report filed in accordance with Commission Order No. 18575.

(b) The EDC shall provide a public and confidential list of final interconnection approvals for renewable generators (name, address, capacity (DC and AC), and system type) on the 15th of each month, for the previous month interconnections.

4008.6 The EDC shall designate a contact person and contact information on its website and the Commission's website for submission of all Interconnection Requests and from whom information on the Interconnection Request process and the EDC's Electric Distribution System can be obtained regarding a proposed project. The information shall include studies and other materials useful to an understanding of

the feasibility of interconnecting a Small Generator Facility at a particular point on the EDC's Electric Distribution System, except to the extent that providing the materials would violate security requirements or confidentiality agreements, or otherwise deemed contrary to District or federal law/regulations. In appropriate circumstances, the EDC may require a confidentiality agreement prior to release of information.

4008.7 When an Interconnection Request is deemed complete, a modification other than a minor equipment modification that is not agreed to in writing by the EDC, shall require submission of a new Interconnection Request, with the exception of a change in design subject to EDC re-evaluation as specified in Subsection 4005.6(b)(7).

4008.8 When an Interconnection Customer is not currently a customer of the EDC at the proposed site, the Interconnection Customer, upon request from the EDC, shall provide proof of site control evidenced by a property tax bill, deed, lease agreement, or other legally binding contract.

4008.9 To minimize the cost of interconnecting multiple Small Generator Facilities, the EDC or the Interconnection Customer may propose a single Point of Common Coupling for multiple Small Generator Facilities located at a single site. If the Interconnection Customer rejects the EDC's proposal for a single Point of Common Coupling, the Interconnection Customer shall pay the additional cost, if any, of providing a separate Point of Common Coupling for each Small Generator Facility. If the EDC rejects the customer's proposal for a single Point of Common Coupling without providing a written technical explanation, the EDC shall pay the additional cost, if any, of providing a separate Point of Common Coupling for each Small Generator Facility.

4008.10 Small Generator Facilities shall be capable of being isolated from the EDC. For all Small Generator Facilities interconnecting to a Primary Line, the isolation shall be by means of a lockable, visible-break isolation device accessible by the EDC. For all Small Generator Facilities interconnecting to a Secondary Line, the isolation shall be by means of a lockable isolation device whose status is clearly indicated and is accessible by the EDC. The isolation device shall be installed, owned and maintained by the owner of the Small Generator Facility and located between the Small Generator Facility and the Point of Common Coupling. A Draw-out Type Circuit Breaker with a provision for padlocking at the draw-out position can be considered an isolation device for purposes of this requirement.

4008.11 The Interconnection Customer may elect to provide the EDC access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise readily accessible to the EDC, by installing a lockbox provided by the EDC that shall provide ready access to the isolation device. The Interconnection Customer shall install the lockbox in a location that is readily accessible by the EDC, and the Interconnection Customer shall permit the EDC to affix a placard in a location of its choosing that provides clear instructions to the

EDC's operating personnel on access to the isolation device. In the event that the Interconnection Customer fails to comply with the terms of this subsection and the EDC needs to gain access to the isolation device, the EDC shall not be held liable for any damages resulting from any necessary EDC action to isolate the Interconnection Customer.

4008.12 Any metering necessitated by a Small Generator Facility interconnection shall be installed, operated, and maintained in accordance with applicable tariffs. Any such metering requirements shall be clearly identified as part of the Interconnection Agreement executed by the Interconnection Customer and the EDC. The EDC is not responsible for installing, operating, or maintaining customer-owned meters.

4008.13 [RESERVED]

4008.14 [RESERVED]

4008.15 The Interconnection Customer shall design its Small Generator Facility to maintain a composite power delivery at continuous rated power output at the Point of Common Coupling at a power factor within the power factor range required by the EDC's applicable tariff for a comparable load customer. The EDC may also require the Interconnection Customer to follow a voltage or VAR schedule if such schedules are applicable to similarly situated generators in the control area on a comparable basis and have been approved by the Commission. The specific requirements for meeting a voltage or VAR schedule shall be clearly specified in Attachment 3 of the "District of Columbia Small Generator Interconnection Rule Level 2-4 Standard Agreement for Interconnection of Small Generator Facilities". Under no circumstance shall these additional requirements for reactive power or voltage support exceed the normal operating capabilities of the Small Generator Facility.

4008.16 For retail interconnection non-exporting Energy Storage devices, the load aspects of the storage devices will be treated the same as other load from customers, based on incremental net load.

4008.17 Interconnection of Energy Storage facilities should comply with IEEE Standard 1547 technical & test specifications and requirements.

4008.18 The Energy Storage overcurrent protection (charge/discharge) ratings from inverter nameplate shall not exceed EDC capabilities.

4008.19 In front of the meter Energy Storage exporting systems will be subject to Level 4 review requirements.

4008.20 When a Microgrid reconnects to the EDC, the Microgrid must be synchronized to the grid, matching: (1) voltage, (2) frequency, and (3) phase angle. This should require an asynchronous interconnection.

4008.21 At all interconnection levels, the power conversion system performing energy conversion/control at the Point of Common Coupling must be equipped to communicate system characteristics over secured EDC protocol.

4008.22 Inverters shall meet the safety requirements of UL 1741 and 12 months after the publication of UL 1741 SA (Supplement A) utility-interactive inverters shall meet the specifications of UL 1741 SA.

4009 DISPUTES

4009.1 A party shall attempt to resolve all disputes regarding interconnection as provided in the DCSGIR promptly, equitably, and in a good faith manner.

4009.2 When a dispute arises, a party may seek immediate resolution through complaint procedures available through the Commission by providing written notice to the Commission and the other party stating the issues in dispute.

4009.3 When disputes relate to the technical application of the DCSGIR, the Commission may designate a technical consultant to resolve the dispute. Upon Commission designation, the Interconnection Customer and EDC shall use the technical consultant to resolve disputes related to interconnection. Costs for a dispute resolution conducted by the technical consultant shall be established by the technical consultant and subject to review by the Commission.

4009.4 Pursuit of dispute resolution shall not affect an Interconnection Customer with regard to consideration of an Interconnection Request or an Interconnection Customer's Queue Position.

4010 WAIVER

. . . .

4011 SUPPLEMENTAL REVIEW

Within twenty (20) business days of determining that Supplemental Review is appropriate, the EDC shall perform Supplemental Review using the screens set forth below, notify the Interconnection Customer of the results, and include with the notification a written report of the analysis and data underlying the EDC's determinations under the screens.

(a) Where twelve (12) months of Line Section minimum load data is available, can be calculated, can be estimated from existing data, or can be determined from a power flow model, the aggregate Small Generator Facility Nameplate Capacity on the Line Section is less than one hundred percent (100%) of the minimum load for all Line Sections bounded by automatic sectionalizing devices upstream of the proposed Small Generator Facility. If the minimum load data is not available, or cannot be

calculated or estimated, the aggregate Small Generator Facility Nameplate Capacity on the Line Section is less than thirty percent (30%) of the peak load for all Line Sections bounded by automatic sectionalizing devices upstream of the proposed Small Generator Facility.

(1) The type of generation used by the proposed Small Generator Facility will be taken into account when calculating, estimating, or determining circuit or Line Section minimum load relevant for the application of this screen. Solar photovoltaic (PV) generation systems with no battery storage use daytime minimum load (*e.g.*, 8 a.m. to 6 p.m.), while all other generation uses absolute minimum load.

(2) When this screen is being applied to a Small Generator Facility that serves some onsite electrical load, all generation will be considered as part of the aggregate generation. If a Small Generator Facility uses Energy Storage without energy production equipment, and incorporates controls which limit Energy Storage discharge schedule to periods that are fixed and known to the EDC, the EDC shall consider the Energy Storage discharge schedule when calculating, estimating, or determining circuit or Line Section minimum load relevant for the application of this screen

(b) In aggregate with existing generation on the Line Section:

(1) The voltage regulation on the Line Section can be maintained in compliance with relevant requirements under all system conditions;

(2) The voltage fluctuation is within acceptable limits as defined by IEEE Standard 1453 or Good Utility Practice similar to IEEE Standard 1453; and

(3) The harmonic levels meet IEEE 519 limits at the Point of Common Coupling.

(c) The locations of the proposed Small Generator Facility and the aggregate Small Generator Facility Nameplate Capacity on the Line Section do not create impacts to safety or reliability that cannot be adequately addressed without application of Level 4 Interconnection Review procedures. The EDC may consider the following factors and others in determining potential impacts to safety and reliability in applying this screen.

(1) Whether the Line Section has significant minimum loading levels dominated by a small number of customers (*i.e.*, several large commercial customers).

(2) If there is an even or uneven distribution of loading along the feeder.

(3) If the proposed Small Generator Facility is located in close proximity to the substation (*i.e.*, < 2.5 electrical line miles), and if the distribution line from the substation to the Small Generator Facility is composed of large conductor/feeder section (*i.e.*, 600A class cable).

(4) If the proposed Small Generator Facility incorporates a time delay function to prevent reconnection of the generator to the Electric Distribution System until system voltage and frequency are within normal limits for a prescribed time.

(5) If operational flexibility is reduced by the proposed Small Generator Facility, such that transfer of the Line Section(s) of the Small Generator Facility to a neighboring distribution circuit/substation may trigger overloads or voltage issues.

(6) If the proposed Small Generator Facility utilizes certified anti-islanding functions and equipment.

(d) Modifications to the Electric Distribution System required by interconnections based on the Supplemental Review shall be treated in the following manner:

(1) If the Interconnection Request requires only Interconnection Facilities to the Electric Distribution System, a non-binding good faith cost estimate and construction schedule for the Interconnection Facilities to the Electric Distribution System, along with an Approval to Install, shall be provided within fifteen (15) business days after notification of the Supplemental Review results.

(2) If the Interconnection Request requires more than the addition of Interconnection Facilities, the EDC may elect to provide a non-binding good faith cost estimate and construction schedule for such Distribution System Upgrades within thirty (30) business days after notification of the Supplemental Review results, or the EDC may notify the Interconnection Customer that the EDC will need to complete a Facilities Study under Level 4 Interconnection Review to determine the cost estimate and construction schedule for necessary Distribution System Upgrades.

(e) If the proposed interconnection meets all of the applicable Adverse System Impact screens and the EDC determines that the Small Generator Facility can be interconnected safely and reliably to the Electric

Distribution System, the EDC shall provide the Interconnection Customer an Approval to Install

(f) An Interconnection Customer that receives an Approval to Install shall provide the Small Generator Interconnection Part II – Certificate of Completion and signed inspection certificate in the following timeframes:

(1) For Level 1 Interconnection Requests: Unless extended by mutual agreement of the Interconnection Customer and EDC, within six (6) months of receipt of the Approval to Install or six (6) months from the completion of any Distribution System Upgrades, whichever is later, the Interconnection Customer shall provide to the EDC the Level 1 Small Generator Interconnection Part II – Certificate of Completion, including the signed inspection certificate.

(2) For Level 2 and 3 Interconnection Requests: Unless extended by mutual agreement of the Interconnection Customer and EDC, within twenty-four (24) months from an Interconnection Customer's receipt of the Approval to Install or six (6) months of completion of any Distribution System Upgrades, whichever is later, the Interconnection Customer shall provide to the EDC the Level 2-4 Small Generator Interconnection Part II – Certificate of Completion, including the signed certificate of inspection. An interconnection customer shall communicate with the EDC no less frequently than every six (6) months regarding the status of a proposed small generator facility to which an Interconnection Agreement refers.

(g) The EDC may conduct a Witness Test within ten (10) business days' of issuing the Authorization to Operate at a time mutually agreeable to the Interconnection Customer and EDC. If a Small Generator Facility initially fails the test, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the Interconnection Customer and EDC. If the EDC determines that the Small Generator Facility fails the Witness Test it must provide a written explanation detailing the reasons and any standards violated.

(h) Upon EDC's issuance of the Authorization to Operate, an Interconnection Customer may begin interconnected operation of a Small Generator Facility, provided that there is an Interconnection Agreement in effect, the Small Generator Facility has passed any Witness Test required by the EDC, and that the Small Generator Facility has passed any inspection required by the EDC. Evidence of approval by an electric code official includes a signed inspection certificate.

(i) As an alternative to the Supplemental Review procedures prescribed in this section, the EDC may elect to perform a power flow-based study, providing the Interconnection Customer with the results and the required mitigation, if necessary. The EDC shall make available, upon request, a copy of its power flow-based study for each applicant to the Commission within thirty (30) days after analysis completion.

(j) The EDC may require photographs of the site, Small Generator Facility components, meters or any other aspect of the Interconnection Facilities as part of the Supplemental Review process.

4012 APPLICANT OPTIONS MEETING

If the EDC determines the Interconnection Request cannot be approved without evaluation under Level 4 Interconnection Review, at the time the EDC notifies the Interconnection Customer of either the Level 1, 2 or 3 Interconnection Review, or Supplemental Review, results, it shall provide the Interconnection Customer the option of proceeding to a Level 4 Interconnection Review or of participating in an applicant options meeting with the EDC to review possible Small Generator Facility modifications or the screen analysis and related results, to determine what further steps are needed to permit the Small Generator Facility to be connected safely and reliably. The Interconnection Customer shall notify the EDC that it requests an applicant options meeting or that it would like to proceed to Level 4 Interconnection Review in writing within fifteen (15) business days of the EDC's notification or the Interconnection Request shall be deemed withdrawn. If the Interconnection Customer requests an applicant options meeting, the EDC shall offer to convene a meeting at a mutually agreeable time within the next fifteen (15) business days.

4013-4098 [RESERVED]

4099 DEFINITIONS

4099.1 When used in this chapter, the following terms and phrases shall have the following meaning:

"Adverse System Impact" – means a negative effect, due to technical or operational limits on conductors or equipment being exceeded, that compromises the safety and reliability of the Electric Distribution System.

"Advanced Inverter" – means inverter(s) with a digital architecture, bidirectional communications, and software that enables functionalities providing autonomous grid support and enhance system reliability, along with the capability to adjust their operational set points in response to the changing characteristics of the grid through dedicated communications protocols and standards. The advanced inverter must enable, at the minimum, the following functionalities, as defined in IEEE Standard 1547-2018: dynamic and real power support, voltage ride-through,

frequency ride-through, voltage support, frequency support, and ramp rates.

"Affected System" – means an electric system not owned or operated by the Electric Distribution Company reviewing the Interconnection Request that may suffer an Adverse System Impact from the proposed interconnection.

"Area Network" – means a type of Electric Distribution System served by multiple transformers interconnected in an electrical network circuit, which is generally used in large metropolitan areas that are densely populated. Area networks are also known as grid networks. Area network has the same meaning as the term distribution secondary grid networks in Section 9.2 of IEEE Standard 1547.

"Approval to Install" – means written notification that the Small Generator Facility is conditionally approved for installation contingent upon the terms and conditions of the Interconnection Request, and the EDC may provide such conditional approval by furnishing to Interconnection Customer an EDC-executed copy of the Interconnection Agreement.

"Authorization to Operate" – means written notification that the Small Generator Facility is approved for operation under the terms and conditions of the District of Columbia Small Generator Interconnection Rules.

"Certificate of Completion" – means a certificate in a completed form approved by the Commission containing information about how the Interconnection Equipment is to be used, its installation, and local inspections.

"Commission" – means the Public Service Commission of the District of Columbia.

"Commissioning Test" – means the tests applied to a Small Generator Facility by the Interconnection Customer after construction is completed to verify that the facility does not create Adverse System Impacts. The scope of the Commissioning Tests performed shall include the Commissioning Test specified IEEE Standard 1547 Section 11.2.5 "Commissioning tests".

"Community Renewable Energy Facility" or **"CREF"** – means an energy facility with a capacity no greater than five (5) megawatts that: (a) uses renewable resources defined as a Tier One Renewable Source in accordance with Section 3(15) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005, (D.C. Law 15-340; D.C. Official Code § 34-1431(15) (2019 Repl.), as amended); (b) is located within the District of Columbia; (c) has at least two (2) Subscribers; and (d) has executed an Interconnection Agreement and a CREF Rider with the Electric Company.

"Distribution System Upgrade" – means a required addition or modification to the EDC's Electric Distribution System at or beyond the Point of Common Coupling to accommodate the interconnection of a Small Generator Facility. Distribution upgrades do not include interconnection facilities.

"District of Columbia Small Generator Interconnection Rule (DCSGIR)" – means the most current version of the procedures for interconnecting Small Generator Facilities adopted by the Public Service Commission of the District of Columbia.

"Draw-out Type Circuit Breaker" – means a switching device capable of making, carrying, and breaking currents under normal and abnormal circuit conditions such as those of a short circuit. A draw-out circuit breaker can be physically removed from its enclosure, creating a visible break in the circuit. For the purposes of these regulations, the draw-out circuit breaker shall be capable of being locked in the open, draw-out position.

"Electric Distribution Company" or "EDC" – means an electric utility entity that distributes electricity to customers and is subject to the jurisdiction of the Commission.

"Electric Distribution System" or "EDS" – means the facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries from interchanges with higher voltage transmission networks that transport bulk power over longer distances. The voltage levels at which Electric Distribution Systems operate differ among areas but generally carry less than sixty-nine (69) kilovolts of electricity. Electric distribution system has the same meaning as the term Area EPS, as defined in IEEE Standard 1547.

"Energy Storage" – means a resource capable of absorbing electric energy from the grid, from a behind-the-meter generator, or other DER, storing it for a period of time and thereafter dispatching the energy for use on-site or back to the grid, regardless of where the resource is located on the electric distribution system. These resources include all types of energy storage technologies, regardless of their size, storage medium (*e.g.*, batteries, flywheels, electric vehicles, compressed air), or operational purpose.

"Facilities Study" – means an engineering study conducted by the EDC to determine the required modifications to the EDC's Electric Distribution System, including the cost and the time required to build and install such modifications as necessary to accommodate an Interconnection Request.

"Fault Current" – means the electrical current that flows through a circuit during an electrical fault condition. A fault condition occurs when one (1) or more electrical conductors contact ground or each other. Types of faults

include phase to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase. Fault current is several times larger in magnitude than the current that normally flows through a circuit.

"Generation Meter" – means the meter used to capture the level of customer-generated electricity at an Interconnection Customer's premise. The Generation Meter shall be owned, operated, and maintained as distribution plant by EDC, unless the Interconnection Customer is a CREF (see Production Meter).

"Good Utility Practice" – means any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result of the lowest reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region.

"Governmental Authority" – means any federal, State, local or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other Governmental Authority having jurisdiction over the Interconnection Customer and EDC, respective facilities, or services provided, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that such term does not include the Interconnection Customer, EDC or any affiliate thereof.

"IEEE Standard 1547" – refers to the Institute of Electrical and Electronics Engineers, Inc. (IEEE) Standard 1547 (2018) "Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces," as amended and supplemented at the time the Interconnection Request is submitted.

"IEEE Standard 1547.1" – refers to the IEEE Standard 1547.1 (2015) "Conformance Test Procedures for Equipment Interconnecting Distributed Energy Resources with Electric Power Systems," as amended and supplemented at the time the Interconnection Request is submitted.

"Interconnection Customer" – means a person or entity that has submitted either an Interconnection Request to interconnect a Small Generator Facility to the EDC's Electric Distribution System or a pre-application report to get information about EDC's electrical distribution system at a proposed Point of Common Coupling.

"Interconnection Equipment" – means a group of equipment, components, or an integrated system connecting an electric generator with a Local Electric Power System or an Electric Distribution System that includes all interface equipment including switchgear, protective devices, inverters or other interface devices. Interconnection equipment may be installed as part of an integrated equipment package that includes a generator or other electric source.

"Interconnection Facilities" – means facilities and equipment required by the EDC to accommodate the interconnection of a Small Generator Facility. Collectively, Interconnection Facilities include all facilities and equipment between the Small Generator Facility and the Point of Common Coupling, including modification, additions, or upgrades that are necessary to physically and electrically interconnect the Small Generator Facility to the Electric Distribution System. Interconnection Facilities are sole use facilities and do not include Distribution System Upgrades, Generation Meter(s), or Usage Meter(s).

"Interconnection Facilities Cost Matrix" – means the matrix maintained on the EDC's website that contains fixed-cost Interconnection Facilities projects associated with specific categories of facilities and lists the installation cost of such Small Generator Interconnection Facilities. Projects included in the matrix are limited in scope, and thus the matrix does not cover all possible types of Interconnection Facilities.

"Interconnection Request" – means an Interconnection Customer's application and interconnection agreement, in a form approved by the Commission, requesting to interconnect a new Small Generator Facility, or to increase the capacity or modify operating characteristics of an existing approved Small Generator Facility that is interconnected with the EDC's Electric Distribution System.

"Interconnection System Impact Study" – means a study performed by the EDC which evaluates the impacts of the proposed interconnection on both the safety and reliability of the EDC's Electric Distribution System. The study seeks to identify and detail the Adverse System Impacts that result when a Small Generator Facility is interconnected without project modifications or Distribution System Upgrades, focusing on EDC-identified or potential Adverse System Impacts.

"Line Section" – means that portion of the EDC's Electric Distribution System connected to an Interconnection Customer, bounded by automatic sectionalizing devices or the end of the distribution line.

"Local Electric Power System" or "Local EPS" – means facilities that deliver electric power to a load that are contained entirely within a single premises

or group of premises. Local electric power system has the same meaning as the term Local Electric Power System defined in IEEE Standard 1547.

"Microgrid" – means a collection of interconnected loads, generation assets, and advanced control equipment, installed across a limited geographic area and within a defined electrical boundary that is capable of disconnecting from the larger Electric Distribution System. A Microgrid may serve a single customer with several structures or serve multiple customers. A Microgrid can connect and disconnect from the distribution system to enable it to operate in both interconnected or island mode.

"Modified Level 1/2 Scoping Meeting" – means a meeting between representatives of the Interconnection Customer and EDC conducted for the purpose to review the Interconnection Request, existing studies relevant to the Interconnection Request, the conditions at the proposed location, and the results of the Level 1 or Level 2 Adverse System Impact screening criteria, and a technical explanation in which the EDC describes the need for Interconnection Facilities and/or Distribution System Upgrade to accommodate the Interconnection Request.

"Nameplate Capacity" – means the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer and is usually indicated on a nameplate physically attached to the power production equipment.

"Nationally Recognized Testing Laboratory" or "NRTL" – means a qualified private organization that meets the requirements of the Occupational Safety and Health Administration's (OSHA) regulations. NRTLs perform independent safety testing and product certification. Each NRTL shall meet the requirements as set forth by OSHA in the NRTL program.

"Parallel Operation" or "Parallel" – means the sustained state of operation over one hundred (100) milliseconds, which occurs when a Small Generator Facility is connected electrically to the Electric Distribution System and thus has the ability for electricity to flow from the Small Generator Facility to the Electric Distribution System.

"PJM Interconnection" – means the regional transmission organization that is regulated by the Federal Energy Regulatory Commission and functionally controls the transmission system for the region that includes the District of Columbia.

"Point of Common Coupling" – means the point where the Small Generator Facility is electrically connected to the Electric Distribution System. Point of common coupling has the same meaning as defined in IEEE Standard 1547.

"Primary Line" – means a distribution line rated at greater than six hundred (600) volts.

"Production Meter" – means the Generation Meter used to capture the level of customer-generated electricity at an Interconnection Customer's premise, when the Interconnection Customer is a CREF. The Production Meter shall be owned by the CREF and read by the EDC, D.C. Official Code § 34-1518.[7]

"Production Test" – is defined in IEEE Standard 1547.

"Queue Position" – means the order of a valid Interconnection Request, relative to all other pending valid Interconnection Requests, that is established based upon the date and time of receipt of the complete Interconnection Request by the EDC.

"Radial Distribution Circuit" – means a circuit configuration where independent feeders branch out radially from a common source of supply. From the standpoint of a utility system, the area described is between the generating source or intervening substations and the customer's entrance equipment. A radial distribution system is the most common type of connection between a utility and load in which power flows in one direction from the utility to the load.

"Scoping Meeting" – means a meeting between representatives of the Interconnection Customer and EDC conducted for the purpose of discussing alternative interconnection options, exchanging information including any Electric Distribution System data and earlier study evaluations that would be reasonably expected to impact interconnection options, analyzing information, and determining the potential feasible points of interconnection.

"Secondary Line" – means a service line subsequent to the Primary Line that is rated for six hundred (600) volts or less, also referred to as the customer's service line.

"Shared Transformer" – means a transformer that supplies secondary source voltage to more than one customer.

"Small Generator Facility" – means the equipment used by an Interconnection Customer to generate or store electricity that operates in parallel with the Electric Distribution System and, for the purposes of this standard, is rated at twenty (20) MW or less. A Small Generator Facility typically includes an electric generator, Energy Storage, prime mover, and the Interconnection Equipment required to safely interconnect with the

[7] D.C. Official Code § 34-1518 (2019 Repl.).

Electric Distribution System or Local Electric Power System as mutually agreed between the Interconnection Customer and EDC of the Interconnection Request.

"Spot Network" – means a type of Electric Distribution System that uses two or more inter-tied transformers to supply an electrical network circuit. A Spot Network is generally used to supply power to a single customer or a small group of customers. Spot network has the same meaning as the term distribution secondary Spot Networks defined in Section 9.3 of IEEE Standard 1547.

"Standard Agreement for Interconnection of Small Generator Facilities, Interconnection Agreement, or Agreement" – means a set of standard forms of Interconnection Agreements approved by the Commission which are applicable to Interconnection Requests pertaining to small generating facilities. The agreement between the Interconnection Customer and the EDC, which governs the connection of the Small Generator Facility to the EDC's Electric Distribution System, as well as the ongoing operation of the Small Generator Facility after it is connected to the EDC's Electric Distribution System.

"UL Standard 1741" – means Underwriters Laboratories' standard titled "Inverters Converters, and Controllers for Use in Independent Power Systems," as amended and supplemented at the time the Interconnection Request is submitted.

"Usage Meter" – means the meter furnished by the EDC used to capture the level of electricity consumption at an Interconnection Customer's premise. The Usage Meter shall be owned, operated, and maintained as a distribution plant by the EDC.

"Witness Test" – means verification (either by an on-site observation or review of documents) by the EDC that the installation evaluation required by IEEE Standard 1547 Section 11.2.4 and the Commissioning Test required by IEEE Standard 1547 Section 11.2.5 have been adequately performed. For Interconnection Equipment that has not been certified, the Witness Test shall also include the verification by the EDC of the on-site design tests as required by IEEE Standard 1547 Section 11.2.4 and verification by the EDC of Production Tests required by IEEE Standard 1547 Section 11.2.3. All tests verified by the EDC are to be performed in accordance with the applicable test procedures specified by IEEE Standard 1547.1.

4. Any person interested may submit written comments on this NOPR not later than thirty (30) days after publication of this Notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on

the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

ATTACHMENT A –Queue Requirements

The EDC shall maintain an interconnection queue, available in a sortable spreadsheet format, which it shall update on at least a monthly basis. Information on Interconnection Requests shall be retained in the queue for three (3) years. The date of the most recent update shall be clearly indicated.

The queue should include, at a minimum, the following information on each Level 2, 3, and 4 Interconnection Request.

1. Queue number
2. Facility capacity or capacity range (kW)
3. Primary fuel type (*e.g.*, solar, wind, bio-gas, etc.)
4. Secondary fuel type (if applicable)
5. Exporting or non-exporting
6. Zip code
7. Substation
8. Feeder
9. Status (active, withdrawn, interconnected, etc.)
10. Date Interconnection Request deemed complete
11. Date of notification of Adverse Impact Screen results (Levels 2-3)
12. Adverse Impact Screen results for Levels 2-3 (pass or fail, and if fail, identify the screens failed and if Interconnection Facilities and/or Distribution System Upgrades are being required)
13. Date of notification of Supplemental Review results (if applicable)
14. Supplemental Review results (pass or fail, and if fail, identify the screens failed)
15. Date of notification of Interconnection System Impact Study results (if applicable)
16. Date of notification of Facilities Study results and/or construction estimates (if applicable)
17. Date EDC-executed Interconnection Agreement is provided to Customer
18. Date Interconnection Agreement is signed by both parties
19. Date of notification of Authorization to Operate
20. Final interconnection cost paid to EDC

Level 1
Interconnection Request Application Form and Agreement

Interconnection Customer Contact Information:

Name_____

Mailing
Address: _____

City:_____ State:_____ Zip Code: _____

Telephone (Daytime):_____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Alternative Contact Information (if different from Customer Contact Information):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Equipment Contractor:

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor (if Different from Equipment Contractor):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

License number: _____

Active License? Yes ___ No ___

Facility Information (building where the small generator facility is located):

Electric Distribution Company (EDC) Serving Facility Site: _____

Electric Supplier (if different from EDC):_____

Account Number of Facility site (existing EDC customers): _____

Facility Address (building where the small generator facility is located):

Address: _____

City: _____ State: _____ Zip Code: _____

Small Generator Facility Information

Inverter Manufacturer:_____ Model:_____

Nameplate Rating: ____(kW) ____(kVA) ____ (AC Volts)

System Design Capacity: _____ (kW) _____ (kVA)

Prime Mover: Photovoltaic ☐ Reciprocating Engine ☐ Fuel Cell ☐

Turbine ☐ Other _____

Energy Source: Solar ☐ Wind ☐ Hydro ☐ Diesel ☐ Natural Gas ☐

Fuel Oil ☐ ☐ Energy Storage

Other_____

Is the inverter lab certified? Yes ☐

(If yes, attach manufacturer's cut sheet showing listing and label information from the appropriate listing authority, *e.g.*, UL 1741 listing. If no, facility is not eligible for Level 1 Application).

Intent of Generation/Storage (choose one)

Generator (or PV Panel) Manufacturer, Model #: _____

Number of Generators (or PV Panels): _____

Type of Tracking if PV: Fixed ☐ Single Axis ☐ Double Axis ☐

Array Azimuth if PV: _____º Array Tilt if PV: _____º

Shading Angles if PV at E, 120º, 150º, S, 210º, 240º, W (Separate with comas: _____º

☐ Offset Load (Unit will operate in parallel, but will not export power to EDC).

☐ Net Energy Metering (Small generator facility will export power pursuant to District of Columbia Customer Net Energy Metering Contract).

☐ Community Renewable Energy Facility (interconnection with EDC).

☐ Export Power (CG SPP Schedule) (Unit will operate in parallel and will export power, but does not fit the criteria established in the District of Columbia Customer Net Energy Metering Contract for net metering).

Note: if Unit will operate in parallel and participate in the PJM market(s), unit will need to obtain an interconnection agreement from PJM.

☐ Back-up Generation (Units that temporarily parallel for more than 100 milliseconds).

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an interconnection agreement.

Energy, Capacity, Load Reduction and/or Synchronized Reserve Markets: ☐ Yes ☐ No

☐ PJM Demand Response Market Participant (System will not export energy):

Regulation Market: ☐ Yes ☐ No (if no, would have to re-apply in future if change to frequency regulation)

Estimated Commissioning Date: _____

Insurance Disclosure

The attached terms and conditions contain provisions related to liability, and indemnification and should be carefully considered by the interconnection customer. The interconnection customer is not required to obtain general liability insurance coverage as a precondition for interconnection approval; however, the interconnection customer is advised to consider obtaining appropriate insurance coverage to cover the interconnection customer's potential liability under this agreement.

Customer Signature

I hereby certify that: 1) I have read and understand the terms and conditions which are attached hereto by reference and are a part of this agreement; 2) I hereby agree to comply with the attached terms and conditions; and 3) to the best of my knowledge, all of the information provided in this application request form is complete and true.

Interconnection Customer Signature: _____

Title: _____Date:_____

Conditional Agreement to Interconnect Small Generator Facility

By its signature below, the EDC has determined the interconnection request is complete, and that the Small Generator Facility has the Approval to Install. This approval is contingent upon the attached terms and conditions of this agreement, the return of the attached Certificate of Completion duly executed, and the verification of electrical inspection and successful witness test or EDC waiver thereof.

EDC Signature: _____Date:_____

Printed Name:_____ Title:_____

Terms and Conditions for Interconnection

(1) **Construction of the Small Generator Facility**. The interconnection customer may proceed to construct (including operational testing not to exceed two (2) hours) the Small Generator Facility once the conditional agreement to interconnect a Small Generator Facility has been signed by the EDC.

(2) **Final Interconnection and Operation.** The interconnection customer may operate the Small Generator Facility and interconnect with the EDC's electric distribution system once all of the following have occurred:

(a) Electrical Inspection: Upon completing construction, the interconnection customer will cause the Small Generator Facility to be inspected by the local electrical wiring inspector with jurisdiction who shall establish that the Small Generator Facility meets the requirements of the National Electrical Code.

(b) Certificate of Completion: The interconnection customer shall provide the EDC with a completed copy of the Certificate of Completion, including evidence of the electrical inspection performed by the local authority having jurisdiction. The evidence of completion of the electrical inspection may be provided on inspection forms used by local inspecting authorities. The interconnection request shall not be finally approved until the EDC's representative signs the Certificate of Completion.

(c) The EDC has either waived the right to a Witness Test in the interconnection request, or completed its Witness Test as per the following:

(i) Within ten (10) business days of receiving the notice of the anticipated start date, at a time mutually agreeable to the parties, the EDC may conduct a Witness Test of the Small Generator Facility to ensure that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes.

(ii) If the EDC does not perform the Witness Test within the ten (10) day period or other time as is mutually agreed to by the parties, the Witness Test is deemed waived.

(3) **IEEE 1547**. The small generator facility is installed, operated, and tested in accordance with the requirements of IEEE Standard 1547 (2018), "Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces," as amended and supplemented, at the time the interconnection request is submitted.

(4) **Access.** The EDC shall have direct, unabated access to the metering equipment of the small generator facility at all times. The EDC shall provide reasonable notice to the customer when possible prior to using its right of access.

(5) **Metering.** Any required metering shall be installed pursuant to appropriate tariffs and tested by the EDC pursuant to the EDCs meter testing requirements.

(6) **Disconnection.** The EDC may temporarily disconnect the small generator facility upon the following conditions:

(a) For scheduled outages upon reasonable notice;
(b) For unscheduled outages or emergency conditions;
(c) If the small generator facility does not operate in the manner consistent with this agreement;
(d) Improper installation or failure to pass the Witness Test;
(e) If the small generator facility is creating a safety, reliability or a power quality problem; or
(f) The interconnection equipment used by the small generator facility is de-listed by the Nationally Recognized Testing Laboratory that provided the listing at the time the interconnection was approved.

(7) **Indemnification**. The parties shall at all times indemnify, defend, and save the other party harmless from, any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the other party's action or inactions of its obligations under this agreement on behalf of the indemnifying party, except in cases of gross negligence or intentional wrongdoing by the indemnified party.

(8) **Limitation of Liability**. Each party's liability to the other party for any loss, cost, claim, injury, liability, or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this agreement, shall be limited to the amount of direct damage actually incurred. In no event shall either party be liable to the other party for any indirect, incidental, special, consequential, or punitive damages of any kind whatsoever.

(9) **Termination**. This agreement may be terminated under the following conditions:

(a) By interconnection customer - The interconnection customer may terminate this application agreement by providing written notice to the EDC.

(b) By the EDC - The EDC may terminate this agreement if the interconnection customer fails to remedy a violation of terms of this agreement within thirty (30) calendar days after notice, or such other date as may be mutually agreed to prior to the expiration of the thirty (30) calendar day remedy period. The termination date can be no less than thirty (30) calendar days after the interconnection customer receives notice of its violation from the EDC.

(10) **Modification of Small Generator Facility**. The interconnection customer shall provide written notification to the EDC before making any modifications to the Small Generator Facility. The EDC will determine if the modifications are minor or non-minor in nature. Written authorization from the EDC is required for non-minor changes if the EDC determines that the interconnection customer's modifications may have a significant impact on the safety or reliability of the Electric Distribution System. If the interconnection customer makes such modifications without the EDC's prior written authorization the EDC shall have the right to temporarily disconnect the Small Generator Facility until such time as the EDC reasonably concludes the modification poses no threat to the safety or reliability of its Electric Distribution System.

(11) **Permanent Disconnection.** In the event the agreement is terminated, the EDC shall have the right to disconnect its facilities or direct the customer to disconnect its Small Generator Facility.

(12) **Disputes.** Each party agrees to attempt to resolve all disputes regarding the provisions of these interconnection procedures pursuant to the dispute resolution provisions of the District of Columbia Small Generator Interconnection Rules.

(13) **Governing Law, Regulatory Authority, and Rules.** The validity, interpretation and enforcement of this agreement and each of its provisions shall be governed by the laws of the District of Columbia. Nothing in this agreement is intended to affect any other agreement between the EDC and the interconnection customer. However, in the event that the provisions of this agreement are in conflict with the provisions of the EDC's tariff, the EDC tariff shall control.

(14) **Survival Rights**. This agreement shall continue in effect after termination to the extent necessary to allow or require either party to fulfill rights or obligations that arose under the agreement.

(15) **Assignment/Transfer of Ownership of the Small Generator Facility**: This agreement shall terminate upon the transfer of ownership of the Small Generator Facility to a new owner unless the transferring owner assigns the agreement to the new owner and so notifies the EDC in writing prior to the transfer of electric service.

(16) **Definitions**. Any capitalized term used herein and not defined shall have the same meaning as the defined terms used in the District of Columbia Small Generator Interconnection Rule.

(17) **Notice**. Unless otherwise provided in this agreement, any written notice, demand, or request required or authorized in connection with this agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

(If Notice is sent to the Interconnection Customer):

Use the contact information provided in the agreement for the interconnection customer. The interconnection customer is responsible for notifying the EDC of any change in the contact party information, including change of ownership.

(If Notice is sent to the EDC)

Use the contact information provided on the EDC's web page for small generator interconnection.

DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULE
LEVEL 2-4
STANDARD AGREEMENT FOR INTERCONNECTION OF
SMALL GENERATOR FACILITIES

This Agreement is made and entered into this ___ day of _____, by and between _____, a _____ organized and existing under the laws of _____, (''Interconnection Customer,'') and _____, a _____, existing under the laws of _____, (''EDC''). The Interconnection Customer and the EDC each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals:

Whereas, Interconnection Customer is proposing to, install or direct the installation of a Small Generator Facility, or is proposing a generating capacity addition to an existing Small Generator Facility, consistent with the Interconnection Request completed by Interconnection Customer on _____; and

Whereas, the Interconnection Customer will operate and maintain, or cause the operation and maintenance of the Small Generator Facility; and

Whereas, Interconnection Customer desires to interconnect the Small Generator Facility with the EDC's Electric Distribution System.

Now, therefore, in consideration of the promises and mutual covenants set forth herein, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the Parties covenant and agree as follows:

Article 1. Scope and Limitations of Agreement

1.1 This Agreement shall be used for all approved Level 2, Level 3 and Level 4 Interconnection Requests according to the procedures set forth in the District of Columbia Small Generator Interconnection Rules.

1.2 This Agreement governs the terms and conditions under which the Small Generator Facility will interconnect to, and operate in Parallel with, the EDC's Electric Distribution System. This Agreement provides the Interconnection Customer with the Approval to Install contingent upon satisfying all terms and conditions.

1.3 This Agreement does not constitute an agreement to purchase or deliver the Interconnection Customer's power.

1.4 Nothing in this Agreement is intended to affect any other agreement between the

EDC and the Interconnection Customer. However, in the event that the provisions of this Agreement are in conflict with the provisions of the EDC's tariff, the EDC tariff shall control.

1.5 Responsibilities of the Parties

1.5.1 The Parties shall perform all obligations of this Agreement in accordance with all Applicable Laws and Regulations.

1.5.2 The EDC shall construct, own, operate, and maintain its Interconnection Facilities in accordance with this Agreement, IEEE Standard 1547, the National Electrical Safety Code and applicable standards promulgated by the District of Columbia Public Service Commission.

1.5.3 The Interconnection Customer shall construct, own, operate, and maintain its Interconnection Facilities in accordance with this Agreement, IEEE Standard 1547, the National Electrical Code and applicable standards promulgated by the District of Columbia Public Service Commission.

1.5.4 Each Party shall operate, maintain, repair, and inspect, and shall be fully responsible for the facilities that it now or subsequently may own unless otherwise specified in the attachments to this Agreement. Each Party shall be responsible for the safe installation, maintenance, repair and condition of their respective lines and appurtenances on their respective sides of the Point of Common Coupling.

1.5.5 The Interconnection Customer agrees to design, install, maintain and operate its Small Generator Facility so as to minimize the likelihood of causing an Adverse System Impact on an electric system that is not owned or operated by the EDC.

1.6 Metering

The Interconnection Customer shall be responsible for the cost of the purchase, installation, operation, maintenance, testing, repair, and replacement of metering and data acquisition equipment specified in Attachments 4 and 5 of this Agreement.

1.7 Reactive Power

The Interconnection Customer shall design its Small Generator Facility to maintain a composite power delivery at continuous rated power output at the Point of Common Coupling at a power factor within the power factor range required by the EDC's applicable tariff for a comparable load customer. The EDC may also require the Interconnection Customer to follow a voltage or VAR schedule if such schedules are applicable to similarly situated generators in the control area on a

comparable basis and have been approved by the Commission. The specific requirements for meeting a voltage or VAR schedule shall be clearly specified in Attachment 3. Under no circumstance shall these additional requirements for reactive power or voltage support exceed the normal operating capabilities of the Small Generator Facility.

1.8 Capitalized Terms

Capitalized terms used herein shall have the meanings specified in the Definitions section of the District of Columbia Small Generator Interconnection Rules or the body of this Agreement.

Article 2. Inspection, Testing, Authorization, and Right of Access

2.1 Equipment Testing and Inspection

The Interconnection Customer shall test and inspect its Small Generator Facility including the Interconnection Equipment prior to interconnection in accordance with IEEE Standard 1547, IEEE Standard 1547.1, and the technical and procedural requirements in the District of Columbia Small Generator Interconnection Rule. The Interconnection Customer shall not operate its Small Generator Facility in Parallel with the EDC's Electric Distribution System without prior written authorization by the EDC as provided for in Articles 2.1.1 – 2.1.3.

2.1.1 The EDC shall have the option of performing a Witness Test after construction of the Small Generator Facility is completed. The Interconnection Customer shall provide the EDC at least twenty (20) days' notice of the planned Commissioning Test for the Small Generator Facility. If the EDC elects to perform a Witness Test, it shall contact the Interconnection Customer to schedule the Witness Test at a mutually agreeable time within ten (10) business days of the scheduled Commissioning Test. If the EDC does not perform the Witness Test within ten (10) business days of the Commissioning Test, the Witness Test is deemed waived unless the parties mutually agree to extend the date for scheduling the Witness Test. If the Witness Test fails to reveal that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes, the EDC shall offer to redo the Witness Test at the Interconnection Customer's expense at a time mutually agreeable to the parties. If the EDC determines that the Small Generator Facility fails the inspection it must provide a written explanation detailing the reasons and any standards violated. If the EDC does not perform the Witness Test within ten (10) business days or other time as is mutually agreed to by the parties, the Witness Test is deemed waived. After considering the "redo" option, if the Witness Test is still not acceptable to the EDC, the Interconnection

Customer will be granted a period of thirty (30) calendar days to address and resolve any deficiencies. The time period for addressing and resolving any deficiencies may be extended upon the mutual agreement of the EDC and the Interconnection Customer. If the Interconnection Customer fails to address and resolve the deficiencies to the satisfaction of the EDC, the applicable termination provisions of Article 3.3.7 shall apply. If a Witness Test is not performed by the EDC or an entity approved by the EDC, the Interconnection Customer must still satisfy the interconnection test specifications and requirements set forth in IEEE Standard 1547 Section 11.2. The Interconnection Customer shall, if requested by the EDC, provide a copy of all documentation in its possession regarding testing conducted pursuant to IEEE Standard 1547.1.

2.1.2 To the extent that the Interconnection Customer decides to conduct interim testing of the Small Generator Facility prior to the Witness Test, it may request that the EDC observe these tests and that these tests be deleted from the final Witness Test. The EDC may, at its own expense, send qualified personnel to the Small Generator Facility to observe such interim testing. Nothing in this Section 2.1.2 shall require the EDC to observe such interim testing or preclude the EDC from performing these tests at the final Witness Test. Regardless of whether the EDC observes the interim testing, the Interconnection Customer shall obtain permission in advance of each occurrence of operating the Small Generator Facility in parallel with the EDC's system.

2.1.3 Upon successful completion of the Witness Test, the EDC shall affix an authorized signature to the Certificate of Completion and return it to the Interconnection Customer approving the interconnection and authorizing Parallel Operation. Such authorization shall not be unreasonably withheld, conditioned, or delayed.

2.2 Commercial Operation

The Interconnection Customer shall not operate the Small Generator Facility, except for interim testing as provided in Article 2.1, until such time as the Certificate of Completion is signed by all Parties.

2.3 Right of Access

The EDC shall have access to the disconnect switch and metering equipment of the Small Generator Facility at all times. The EDC shall provide reasonable notice to the customer when possible prior to using its right of access.

Article 3. Effective Date, Term, Termination, and Disconnection

3.1 Effective Date

This Agreement shall become effective upon execution by the Parties.

3.2 Term of Agreement

This Agreement shall become effective on the Effective Date and shall remain in effect in perpetuity unless terminated earlier in accordance with Article 3.3 of this Agreement.

3.3 Termination

No termination shall become effective until the Parties have complied with all Applicable Laws and Regulations applicable to such termination.

3.3.1 The Interconnection Customer may terminate this Agreement at any time by giving the EDC thirty (30) calendar days prior written notice.

3.3.2 Either Party may terminate this Agreement after default pursuant to Article 6.5.

3.3.3 The EDC may terminate upon sixty (60) calendar days' prior written notice for failure of the Interconnection Customer to complete construction of the Small Generator Facility within twelve (12) months of the in-service date as specified by the Parties in Attachment 1, which may be extended by mutual agreement of the Parties which shall not be unreasonably withheld.

3.3.4 The EDC may terminate this Agreement upon sixty (60) calendar days' prior written notice if the Interconnection Customer fails to operate the Small Generator Facility in parallel with EDC's electric system for three consecutive years.

3.3.5 Upon termination of this Agreement, the Small Generator Facility will be disconnected from the EDC's Electric Distribution System. The termination of this Agreement shall not relieve either Party of its liabilities and obligations, owed or continuing at the time of the termination.

3.3.6 The provisions of this Article shall survive termination or expiration of this Agreement.

3.3.7 The EDC may terminate this Agreement if the Interconnection Customer fails to comply with the Witness Test requirement in Article 2.2.1.

3.4 Temporary Disconnection

A Party may temporarily disconnect the Small Generator Facility from the Electric Distribution System in the event of an Emergency Condition for as long

as the Party determines it is reasonably necessary in the event one or more of the following conditions or events occurs:

3.4.1 Emergency Conditions - Emergency Conditions shall mean any condition or situation: (1) that in the judgment of the Party making the claim is reasonably likely to endanger life or property; or (2) that, in the case of the EDC, is reasonably likely to cause an Adverse System Impact; or (3) that, in the case of the Interconnection Customer, is reasonably likely (as determined in a non-discriminatory manner) to cause a material adverse effect on the security of, or damage to, the Small Generator Facility or the Interconnection Equipment. Under Emergency Conditions, the EDC or the Interconnection Customer may immediately suspend interconnection service and temporarily disconnect the Small Generator Facility. The EDC shall notify the Interconnection Customer promptly when it becomes aware of an Emergency Condition that may reasonably be expected to affect the Interconnection Customer's operation of the Small Generator Facility. The Interconnection Customer shall notify the EDC promptly when it becomes aware of an Emergency Condition that may reasonably be expected to affect the EDC's Electric Distribution System. To the extent information is known, the notification shall describe the Emergency Condition, the extent of the damage or deficiency, the expected effect on the operation of both Parties' facilities and operations, its anticipated duration, and the necessary corrective action.

3.4.2 Scheduled Maintenance, Construction, or Repair – The EDC may interrupt interconnection service or curtail the output of the Small Generator Facility and temporarily disconnect the Small Generator Facility from the EDC's Electric Distribution System when necessary for scheduled maintenance, construction, or repairs on the EDC's Electric Distribution System. The EDC shall provide the Interconnection Customer with five business days' notice prior to such interruption. The EDC shall use reasonable efforts to coordinate such reduction or temporary disconnection with the Interconnection Customer.

3.4.3 Forced Outages - With any forced outage, the EDC may suspend interconnection service to effect immediate repairs on the EDC's Electric Distribution System. The EDC shall use reasonable efforts to provide the Interconnection Customer with prior notice. If prior notice is not given, the EDC shall, upon written request, provide the Interconnection Customer written documentation after the fact explaining the circumstances of the disconnection.

3.4.4 Adverse Operating Effects – The EDC shall provide the Interconnection Customer with a written notice of its intention to disconnect the Small Generator Facility if, based on the operating requirements specified in Attachment 3, the EDC determines that operation of the Small Generator

Facility will likely cause disruption or deterioration of service to other customers served from the same electric system, or if operating the Small Generator Facility could cause damage to the EDC's Electric Distribution System. Supporting documentation used to reach the decision to disconnect shall be provided to the Interconnection Customer upon written request. The EDC may disconnect the Small Generator Facility if, after receipt of the notice, the Interconnection Customer fails to remedy the adverse operating effect within a reasonable time unless Emergency Conditions exist in which case the provisions of Article 3.4.1 apply.

3.4.5 Modification of the Small Generator Facility - The Interconnection Customer shall provide written notification to the EDC before making any modifications to the Small Generator Facility. The EDC will determine if the modifications are minor or non-minor in nature. Written authorization from the EDC is required for non-minor changes if the EDC determines that the Interconnection Customer's modifications could cause an Adverse System Impact. If the Interconnection Customer makes such modifications without the EDC's prior written authorization the EDC shall have the right to temporarily disconnect the Small Generator Facility until such time as the EDC reasonably concludes the modification poses no threat to the safety or reliability of its Electric Distribution System.

3.4.6 Reconnection - The Parties shall cooperate with each other to restore the Small Generator Facility, Interconnection Facilities, and EDC's Electric Distribution System to their normal operating state as soon as reasonably practicable following any disconnection pursuant to this section; provided, however, if such disconnection is done pursuant to Article 3.4.5 due to the Interconnection Customer's failure to obtain prior written authorization from the EDC for Non- Minor Equipment Modifications, the EDC shall reconnect the Interconnection Customer only after determining the modifications do not impact the safety or reliability of its Electric Distribution System.

Article 4. Cost Responsibility for Interconnection Facilities and Distribution Upgrades

4.1 Interconnection Facilities

4.1.1 The Interconnection Customer shall pay for the cost of the Interconnection Facilities itemized in Attachment 2 of this Agreement if required under the additional review procedures of a Level 2 review or under a Level 4 review. If a Facilities Study was performed, the EDC shall identify the Interconnection Facilities necessary to safely interconnect the Small Generator Facility with the EDC's Electric Distribution System, the cost of those facilities, and the time required to build and install those facilities.

4.1.2 The Interconnection Customer shall be responsible for its expenses, including overheads, associated with (1) owning, operating, maintaining, repairing, and replacing its Interconnection Equipment, and (2) its reasonable share of operating, maintaining, repairing, and replacing any Interconnection Facilities owned by the EDC as set forth in Attachment 2.

4.2 Distribution Upgrades

The EDC shall design, procure, construct, install, and own any Distribution Upgrades. The actual cost of the Distribution Upgrades, including overheads, shall be directly assigned to the Interconnection Customer. The Interconnection Customer may be entitled to financial contribution from any other EDC customers who may in the future utilize the upgrades paid for by the Interconnection Customer. Such contributions shall be governed by the rules, regulations and decisions of the District of Columbia Public Service Commission.

Article 5. Billing, Payment, Milestones, and Financial Security

5.1 Billing and Payment Procedures and Final Accounting (Applies to additional reviews conducted under Levels 2, 3 or 4)

5.1.1 The EDC shall bill the Interconnection Customer for the design, engineering, construction, and procurement costs of the EDC provided Interconnection Facilities and Distribution Upgrades contemplated by this Agreement as set forth in Attachment 2, on a monthly basis, or as otherwise agreed by the Parties. The Interconnection Customer shall pay each bill within thirty (30) calendar days of receipt, or as otherwise agreed to by the Parties.

5.1.2 Within ninety (90) calendar days of completing the construction and installation of the EDC's Interconnection Facilities and Distribution Upgrades described in the Attachments 1 and 2 to this Agreement, the EDC shall provide the Interconnection Customer with a final accounting report of any difference between (1) the actual cost incurred to complete the construction and installation and the budget estimate provided to the Interconnection Customer and a written explanation for any significant variation; and (2) the Interconnection Customer's previous deposit and aggregate payments to the EDC for such Interconnection Facilities and Distribution Upgrades. If the Interconnection Customer's cost responsibility exceeds its previous deposit and aggregate payments, the EDC shall invoice the Interconnection Customer for the amount due and the Interconnection Customer shall make payment to the EDC within thirty (30) calendar days. If the Interconnection Customer's previous deposit and aggregate payments exceed its cost responsibility under this Agreement, the EDC shall refund to the Interconnection Customer an

amount equal to the difference within thirty (30) calendar days of the final accounting report.

5.1.3 If a Party in good faith disputes any portion of its payment obligation pursuant to this Article 5, such Party shall pay in a timely manner all non-disputed portions of its invoice, and such disputed amount shall be resolved pursuant to the dispute resolution provisions contained in Article 8. Provided such Party's dispute is in good faith, the disputing Party shall not be considered to be in default of its obligations pursuant to this Article.

5.2 Interconnection Customer Deposit

When a Level 4 Interconnection Feasibility Study, Interconnection System Impact Study, or Interconnection Facility Study or a Level 2 Review of Minor Modifications is required under the District of Columbia Small Generator Interconnection Rules, the EDC may require the Interconnection Customer to pay a deposit equal to fifty percent (50%) of the estimated cost to perform the study or review. At least twenty (20) business days prior to the commencement of the design, procurement, installation, or construction of a discrete portion of the EDC's Interconnection Facilities and Distribution Upgrades, the Interconnection Customer shall provide the EDC with a deposit equal to fifty percent (50%) of the estimated costs prior to its beginning design of such facilities, provided the total cost is in excess of one thousand dollars ($1,000).

Article 6. Assignment, Limitation on Damages, Indemnity, Force Majeure, and Default

6.1 Assignment

This Agreement may be assigned by either Party upon fifteen (15) business days' prior written notice, and with the opportunity to object by the other Party. Should the Interconnection Customer assign this agreement, the EDC has the right to request that the assignee agree to the assignment and the terms of this Agreement in writing. When required, consent to assignment shall not be unreasonably withheld; provided that:

6.1.1 Either Party may assign this Agreement without the consent of the other Party to any affiliate (which shall include a merger of the Party with another entity), of the assigning Party with an equal or greater credit rating and with the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement;

6.1.2 The Interconnection Customer shall have the right to assign this Agreement, without the consent of the EDC, for collateral security purposes to aid in providing financing for the Small Generator Facility. For Small Generator systems that are integrated into a building facility, the sale of the building or property will result in an automatic transfer of this

agreement to the new owner who shall be responsible for complying with the terms and conditions of this Agreement.

6.1.3 Any attempted assignment that violates this Article is void and ineffective. Assignment shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason thereof. An assignee is responsible for meeting the same obligations as the Interconnection Customer.

6.2 Limitation on Damages

Except for cases of gross negligence or willful misconduct, the liability of any Party to this Agreement shall be limited to direct actual damages, and all other damages at law are waived. Under no circumstances, except for cases of gross negligence or willful misconduct, shall any Party or its directors, officers, employees and agents, or any of them, be liable to another Party, whether in tort, contract or other basis in law or equity for any special, indirect, punitive, exemplary or consequential damages, including lost profits, lost revenues, replacement power, cost of capital or replacement equipment. This limitation on damages shall not affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement. The provisions of this Article 6.2 shall survive the termination or expiration of the Agreement.

6.3 Indemnity

6.3.1 This provision protects each Party from liability incurred to third parties as a result of carrying out the provisions of this Agreement. Liability under this provision is exempt from the general limitations on liability found in Article 6.2.

6.3.2 The Parties shall at all times indemnify, defend, and hold the other Party harmless from, any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the other Party's action or failure to meet its obligations under this Agreement on behalf of the indemnifying Party, except in cases of gross negligence or intentional wrongdoing by the indemnified Party.

6.3.3 Promptly after receipt by an indemnified Party of any claim or notice of the commencement of any action or administrative or legal proceeding or investigation as to which the indemnity provided for in this Article may apply, the indemnified Party shall notify the indemnifying Party of such fact. Any failure of or delay in such notification shall not affect a Party's indemnification obligation unless such failure or delay is materially prejudicial to the indemnifying Party.

6.3.4 If an indemnified Party is entitled to indemnification under this Article as a result of a claim by a third party, and the indemnifying Party fails, after notice and reasonable opportunity to proceed under this Article, to assume the defense of such claim, such indemnified Party may at the expense of the indemnifying Party contest, settle or consent to the entry of any judgment with respect to, or pay in full, such claim.

6.3.5 If an indemnifying Party is obligated to indemnify and hold any indemnified Party harmless under this Article, the amount owing to the indemnified person shall be the amount of such indemnified Party's actual loss, net of any insurance or other recovery.

6.4 Force Majeure

6.4.1 As used in this Article, a Force Majeure Event shall mean any act of God, labor disturbance, act of the public enemy, war, acts of terrorism, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment through no direct, indirect, or contributory act of a Party, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A Force Majeure Event does not include an act of gross negligence or intentional wrongdoing.

6.4.2 If a Force Majeure Event prevents a Party from fulfilling any obligations under this Agreement, the Party affected by the Force Majeure Event (Affected Party) shall promptly notify the other Party of the existence of the Force Majeure Event. The notification must specify in reasonable detail the circumstances of the Force Majeure Event, its expected duration, and the steps that the Affected Party is taking and will take to mitigate the effects of the event on its performance, and if the initial notification was verbal, it should be promptly followed up with a written notification. The Affected Party shall keep the other Party informed on a continuing basis of developments relating to the Force Majeure Event until the event ends. The Affected Party shall be entitled to suspend or modify its performance of obligations under this Agreement (other than the obligation to make payments) only to the extent that the effect of the Force Majeure Event cannot be reasonably mitigated. The Affected Party shall use reasonable efforts to resume its performance as soon as possible.

6.5 Default

6.5.1 No default shall exist where such failure to discharge an obligation (other than the payment of money) is the result of a Force Majeure Event as defined in this Agreement, or the result of an act or omission of the other Party.

6.5.2 Upon a default of this Agreement, the non-defaulting Party shall give written notice of such default to the defaulting Party. Except as provided in Article 6.5.3 the defaulting Party shall have sixty (60) calendar days from receipt of the default notice within which to cure such default; provided however, if such default is not capable of cure within 60 calendar days, the defaulting Party shall commence such cure within twenty (20) calendar days after notice and continuously and diligently complete such cure within six months from receipt of the default notice; and, if cured within such time, the default specified in such notice shall cease to exist.

6.5.3 If a Party has made an assignment of this Agreement not specifically authorized by Article 6.1, fails to provide reasonable access pursuant to Article 2.3, is in default of its obligations pursuant to Article 7, or if a Party is in default of its payment obligations pursuant to Article 5 of this Agreement, the defaulting Party shall have thirty (30) days from receipt of the default notice within which to cure such default.

6.5.4 If a default is not cured as provided for in this Article, or if a default is not capable of being cured within the period provided for herein, the non-defaulting Party shall have the right to terminate this Agreement by written notice at any time until cure occurs, and be relieved of any further obligation hereunder and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due hereunder, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Article will survive termination of this Agreement.

Article 7. Insurance

For Small Generator Facilities, the Interconnection Customer shall carry adequate insurance coverage that shall be acceptable to the EDC; provided, that the maximum comprehensive/general liability coverage that shall be continuously maintained by the Interconnection Customer during the term for non-inverter based systems 500 kW up to 2 MW shall have one million dollars ($1 million) of insurance, two million dollars ($2 million) for non-inverter based systems larger than 2 MW up to 5 MW, and three million dollars ($3 million) for non-inverter systems larger than 5 MW. For inverter-based generating facilities, systems between 1 MW and 5 MW have $1 million of insurance and systems larger than 5 MW have $2 million of insurance. The EDC, its officers, employees and agents will be added as an additional insured on this policy.

Article 8. Dispute Resolution

8.1 A party shall attempt to resolve all disputes regarding interconnection as provided in this Agreement and the District of Columbia Small Generator Interconnection Rule promptly, equitably, and in a good faith manner.

8.2 When a dispute arises, a party may seek immediate resolution through complaint procedures available through the Commission, or an alternative dispute resolution process approved by the Commission, by providing written notice to the Commission and the other party stating the issues in dispute. Dispute resolution will be conducted in an informal, expeditious manner to reach resolution with minimal costs and delay. When available, dispute resolution may be conducted by phone.

8.3 When disputes relate to the technical application of this Agreement and the District of Columbia Small Generator Interconnection Rule, the Commission may designate a technical consultant to resolve the dispute. Upon Commission designation, the parties shall use the technical consultant to resolve disputes related to interconnection. Costs for a dispute resolution conducted by the technical consultant shall be established by the technical consultant, subject to review by the Commission.

8.4 Pursuit of dispute resolution may not affect an Interconnection Customer with regard to consideration of an Interconnection Request or an Interconnection Customer's Queue Position.

8.5 If the Parties fail to resolve their dispute under the dispute resolution provisions of this Article, nothing in this Article shall affect any Party's rights to obtain equitable relief, including specific performance, as otherwise provided in this Agreement.

Article 9. Miscellaneous

9.1 Governing Law, Regulatory Authority, and Rules

The validity, interpretation and enforcement of this Agreement and each of its provisions shall be governed by the laws of the District of Columbia, without regard to its conflicts of law principles. This Agreement is subject to all Applicable Laws and Regulations.

9.2 Amendment

Modification of this Agreement shall be only by a written instrument duly executed by both Parties.

9.3 No Third-Party Beneficiaries

This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations herein assumed are solely for the use and benefit of the Parties, their successors in interest and where permitted, their assigns.

9.4 Waiver

9.4.1 The failure of a Party to this Agreement to insist, on any occasion, upon strict performance of any provision of this Agreement shall not be considered a waiver of any obligation, right, or duty of, or imposed upon, such Party.

9.4.2 Any waiver at any time by either Party of its rights with respect to this Agreement shall not be deemed a continuing waiver or a waiver with respect to any other failure to comply with any other obligation, right, duty of this Agreement. Termination or default of this Agreement for any reason by Interconnection Customer shall not constitute a waiver of the Interconnection Customer's legal rights to obtain an interconnection from EDC. Any waiver of this Agreement shall, if requested, be provided in writing.

9.5 Entire Agreement

This Agreement, including all attachments, constitutes the entire Agreement between the Parties with reference to the subject matter hereof, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants that constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement.

9.6 Multiple Counterparts

This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

9.7 No Partnership

This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

9.8 Severability

If any provision or portion of this Agreement shall for any reason be held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction or other Governmental Authority, (1) such portion or provision shall

be deemed separate and independent, (2) the Parties shall negotiate in good faith to restore insofar as practicable the benefits to each Party that were affected by such ruling, and (3) the remainder of this Agreement shall remain in full force and effect.

9.9 Environmental Releases

Each Party shall notify the other Party, first orally and then in writing, of the release any hazardous substances, any asbestos or lead abatement activities, or any type of remediation activities related to the Small Generator Facility or the Interconnection Facilities, each of which may reasonably be expected to affect the other Party. The notifying Party shall (1) provide the notice as soon as practicable, provided such Party makes a good faith effort to provide the notice no later than twenty-four (24) hours after such Party becomes aware of the occurrence, and (2) promptly furnish to the other Party copies of any publicly available reports filed with any governmental authorities addressing such events.

9.10 Subcontractors

Nothing in this Agreement shall prevent a Party from utilizing the services of any subcontractor as it deems appropriate to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing such services and each Party shall remain primarily liable to the other Party for the performance of such subcontractor.

9.10.1 The creation of any subcontract relationship shall not relieve the hiring Party of any of its obligations under this Agreement. The hiring Party shall be fully responsible to the other Party for the acts or omissions of any subcontractor the hiring Party hires as if no subcontract had been made. Any applicable obligation imposed by this Agreement upon the hiring Party shall be equally binding upon, and shall be construed as having application to, any subcontractor of such Party.

9.10.2 The obligations under this Article will not be limited in any way by any limitation of subcontractor's insurance.

Article 10. Notices

10.1 General

Unless otherwise provided in this Agreement, any written notice, demand, or request required or authorized in connection with this Agreement ("Notice") shall be deemed properly given if delivered in person, delivered by recognized national courier service, or sent by first class mail, postage prepaid, to the person specified below:

If to Interconnection Customer:

Interconnection Customer: _____
Attention: _____
Address: _____
City: _____ State:_____ Zip:_____
Phone: _____ Fax: _____ E-mail:_____

If to EDC:

EDC:_____
Attention: _____
Address: _____

City: _____ State:_____ Zip:_____
Phone: _____ Fax: _____E-mail:_____

10.2 Billing and Payment

Billings and payments shall be sent to the addresses set forth below:

If to Interconnection Customer:

Interconnection Customer: _____
Attention: _____
Address: _____
City: _____ State:_____ Zip:_____

If to EDC:

EDC: _____
Attention: _____
Address: _____
City: _____ State:_____ Zip:_____

10.3 Designated Operating Representative

The Parties may also designate operating representatives to conduct the communications which may be necessary or convenient for the administration of this Agreement. This person will also serve as the point of contact with respect to operations and maintenance of the Party's facilities.

Interconnection Customer's Operating Representative:

Attention: _____

Address: _____
City: _____ State:_____ Zip:_____
Phone: _____ Fax: _____E-Mail:_____

EDC's Operating Representative:

Attention: _____

Address: _____

City: _____ State:_____ Zip:_____

Phone: _____ Fax: _____ E-Mail:_____

10.4 Changes to the Notice Information

Either Party may change this notice information by giving five (5) business days written notice prior to the effective date of the change.

Article 11. Signatures

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

For the Interconnection Customer:

Name: _____

Title: _____

Date: _____

For EDC:

Name: _____

Title: _____

Date: _____

ATTACHMENT 1

CONSTRUCTION SCHEDULE, PROPOSED EQUIPMENT & SETTINGS

This attachment shall include the following:

1. The construction schedule for the Small Generator Facility
2. A one-line diagram indicating the Small Generator Facility, Interconnection Equipment, Interconnection Facilities, Metering Equipment, and Distribution Upgrades
3. Component specifications for equipment identified in the one-line diagram
4. Component settings
5. Proposed sequence of operations

ATTACHMENT 2

DESCRIPTION, COSTS AND TIME REQUIRED TO BUILD AND INSTALL THE EDC'S INTERCONNECTION FACILITIES

The EDC's Interconnection Facilities including any required metering shall be itemized and a best estimate of itemized costs, including overheads, shall be provided based on the Facilities Study.

Also, a best estimate for the time required to build and install the EDC's Interconnection Facilities will be provided based on the Facilities Study.

ATTACHMENT 3

OPERATING REQUIREMENTS FOR SMALL GENERATOR FACILITIES OPERATING IN PARALLEL

Applicable sections of the EDC's operating manuals applying to the small generator interconnection shall be listed and Internet links shall be provided. Any special operating requirements not contained in the EDC's existing operating manuals shall be clearly identified. The EDC's operating requirements shall not impose additional technical or procedural requirements on the Small Generator Facility beyond those found in the District of Columbia Small Generator Interconnection Rules, except those required for safety.

ATTACHMENT 4

METERING REQUIREMENTS

Metering requirements for the Small Generator Facility shall be clearly indicated along with an identification of the appropriate tariffs that establish these requirements and an internet link to these tariffs.

ATTACHMENT 5

AS BUILT DOCUMENTS

After completion of the Small Generator Facility, the Interconnection Customer shall provide the EDC with documentation indicating the as built status of the following when it returns the Certificate of Completion to the EDC:

1. A one-line diagram indicating the Small Generator Facility, Interconnection Equipment, Interconnection Facilities, Metering Equipment, and Distribution Upgrades
2. Component specifications for equipment identified in the one-line diagram
3. Component settings
4. Proposed sequence of operations

LEVEL 2, LEVEL 3 AND LEVEL 4

INTERCONNECTION REQUEST APPLICATION FORM

Interconnection Customer Contact Information:

Name_____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Alternative Contact Information (if different from Customer Contact Information):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Facility Address (Building where the Small Generator Facility is located):

Address: _____

City: _____ State: _____ Zip Code: _____

Equipment Contractor:

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor (if Different from Equipment Contractor):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Mobile): _____

Facsimile Number: _____ E-Mail Address: _____

License number: _____

Active License? Yes ___ No ___

Electric Service Information for Customer Facility Where Generator Will Be Interconnected:

Electric Distribution Company (EDC) serving Facility site: _____

Electric Supplier (if different from EDC):_____

Account Number of Facility site (existing EDC customers): _____

Capacity: _____(Amps) Voltage: _____(Volts)

Type of Service: ☐ Single Phase ☐ Three Phase

If 3 Phase Transformer, Indicate Type

Primary Winding ☐ Wye ☐ Delta

Secondary Winding ☐ Wye ☐ Delta

Transformer Size: _____ Impedance: _____

Intent of Generation (choose one):

☐ Offset Load (Unit will operate in parallel, but will not export power to EDC).

☐ Net Energy Metering (Small Generator Facility will export power pursuant to District of Columbia Customer Net Energy Metering Contract).

☐ Community Renewable Energy Facility (interconnection with EDC).

☐ Export Power (CG SPP Schedule) (Unit will operate in parallel and will export power but does not fit the criteria established in the District of Columbia Customer Net Energy Metering Contract for net energy metering).

Note: If Unit will operate in parallel and participate in the PJM market(s), Unit will need to obtain an Interconnection Agreement from PJM.

☐ Back-up Generation (Units that temporarily parallel for more than 100 milliseconds).

Note: Backup units that do not operate in parallel for more than 100 milliseconds do not need an Interconnection Agreement.

☐ PJM Demand Response Market Participant (System will not export energy)
Energy, Capacity, Load Reduction and/or Synchronized Reserve Markets: ☐ Yes ☐ No
Regulation Market: ☐ Yes ☐ No (if no, would have to re-apply in future if change to

frequency regulation)

☐ Microgrid: No__ Yes ___; If Yes indicate below any/all Energy Production Equipment/Inverter Information that is to be used.

Requested Procedure Under Which to Evaluate Interconnection Request:
Please indicate below which review procedure applies to the Interconnection Request.

☐ **Level 2 -** Certified Interconnection Equipment with an aggregate electric Nameplate Capacity less than or equal to 5 MW. Indicate type of certification below. (Application fee amount is $500.)

☐ **Level 3 –** Small generator facility does not export power. Nameplate capacity rating is equal to or less than 20 MW if connecting to a radial distribution feeder. An Interconnection Customer proposing to interconnect a small generator to a spot or Area Network is not permitted under the Level 3 review process. (Application fee amount is $500.)

☐ **Level 4 –** Nameplate capacity rating is less than 20 MW and the Small Generator Facility does not qualify for a Level 1, Level 2 or Level 3 review or, the Small Generator Facility has been reviewed but not approved under a Level 1, Level 2 or Level 3 review. (Application fee amount is $1,000, to be applied toward any subsequent studies related to this application.)

For Level 1, 2, 3 applications before EDC's considering a Level 4 review, the applicant can request a meeting based on "Applicant Options Meeting" section of Chapter 40.

Descriptions for interconnection review categories do not list all criteria that must be satisfied. For a complete list of criteria, please refer to the District of Columbia Small Generator Interconnection Rules.

Small Generator Facility Information:

Energy Production Equipment/Inverter Information

Energy Source: ☐ Hydro ☐ Wind ☐ Solar ☐ Diesel ☐ Biomass ☐ Natural Gas
☐ Coal ☐ Oil ☐ Other ☐ Solar + Energy Storage ☐ Energy Storage

Energy Converter Type: ☐ Water Turbine ☐ Wind Turbine ☐ Photovoltaic Cell
☐ Steam Turbine ☐ Combustion Turbine ☐ Reciprocating Engine
☐ Other _____

Generator Type: ☐ Synchronous ☐ Induction ☐ Inverter ☐ Other _____

Rating: _____ kW Rating: _____ kVA Number of Units: _____
Rated Voltage: _____Volts
Rated Current: _____Amps
System Type Tested (Total System): ☐ Yes ☐ No; attach product literature

Interconnection components/system(s) to be used in the Small Generation Facility that are lab certified (required for Level 2 and Level 3 Interconnection requests only).

Component/System NRTL Providing Label & Listing
1._____
2._____
3._____
4._____
Please provide copies of manufacturer brochures or technical specifications.

For Synchronous Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed Small Generator Facility.

Manufacturer: _____
Model No. _____ Version No. _____
Submit copies of the Saturation Curve and the Vee Curve
☐ Salient ☐ Non-Salient
Torque: _____ lb-ft Rated RPM: _____ Field Amperes: _____ at rated generator voltage and current and _____% PF over-excited
Type of Exciter: _____
Output Power of Exciter: _____
Type of Voltage Regulator: _____ Locked Rotor Current: _____ Amps Synchronous Speed: _____RPM
Winding Connection: _____ Min. Operating Freq./Time: _____
Generator Connection: ☐ Delta ☐ Wye ☐ Wye Grounded
Direct-axis Synchronous Reactance (Xd) _____ohms
Direct-axis Transient Reactance (X'd) _____ohms
Direct-axis Sub-transient Reactance (X"d) _____ohms
Negative Sequence Reactance: _____ ohms
Zero Sequence Reactance: _____ ohms
Neutral Impedance or Grounding Resister (if any): _____ ohms

For Induction Machines:

Note: Contact EDC to determine if all the information requested in this section is required for the proposed Small Generator Facility.

Manufacturer: _____
Model No. _____ Version No. _____
Locked Rotor Current: _____ Amps
Rotor Resistance (Rr)_____ohms Exciting Current ____Amps
Rotor Reactance (Xr)_____ohms Reactive Power Required: _____
Magnetizing Reactance (Xm)_____ohms ___VARs (No Load)
Stator Resistance (Rs)_____ohms ___VARs (Full Load)
Stator Reactance (Xs)_____ohms
Short Circuit Reactance (X"d)_____ohms
Phases: ☐ Single ☐ Three-Phase
Frame Size: _____ Design Letter: ____ Temp. Rise: _____°C.

Reverse Power Relay Information (Level 3 Review Only)
Manufacturer: _____
Relay Type: _____ Model Number: _____
Reverse Power Setting: _____
Reverse Power Time Delay (if any): _____

Additional Information For Inverter Based Facilities
Inverter Information:
Manufacturer:_____ Model: _____
Type: ☐ Forced Commutated ☐ Line Commutated
Number of Inverters: _____
Rated Output _____ Watts _____ Volts
Efficiency _____% Power Factor_____%
Inverter UL1547 Listed: ☐ Yes ☐ No

D.C. Source / Prime Mover:
Rating: _____ kW Rating: _____ kVA
Rated Voltage: _____Volts
Open Circuit Voltage (If applicable): _____Volts
Rated Current: _____Amps
Short Circuit Current (If applicable): _____Amps
Generator (or PV Panel) Manufacturer, Model #: _____
Number of Generators (or PV Panels): _____
Type of Tracking if PV: Fixed ☐ Single Axis ☐ Double Axis ☐
Array Azimuth if PV: _____º Array Tilt if PV: _____º
Shading Angles if PV at E, 120º, 150º, S, 210º, 240º, W (Separate with comas: _____º

Other Facility Information:
One Line Diagram attached: ☐ Yes

Plot Plan attached: ☐ Yes

Estimated Commissioning Date: _____

Customer Signature

I hereby certify that all of the information provided in this application request form is true.

Interconnection Customer Signature: _____

Title: _____ Date:_____

An invoice will be emailed for the application fee. An application fee is required before the application can be processed. Please verify that the appropriate fee is included with the application:

Application fee included ☐

Amount_____

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

SECOND NOTICE OF EMERGENCY RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409) (2018 Repl. and 2019 Supp.)), and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to amend, on an emergency basis, Appendix G (Flood-Resistant Construction) of Title 12 (D.C. Construction Codes Supplement of 2017), Subtitle A (Building Code Supplement of 2017) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking proposes amendments to provisions in the 2017 District of Columbia Building Code (Title 12-A DCMR) to address flood hazard concerns that were raised after conclusion of the code development cycle. Specifically, these amendments will revise the Flood Hazard Rules, set forth in Appendix G of the Building Code, to comply with FEMA and National Flood Insurance Program requirements and to provide consistency and clarity for the regulated community.

This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia because it is critically important that the District is able to participate in the National Flood Insurance Program (NFIP) to maintain eligibility for federal flood insurance and disaster assistance. In order to continue to qualify for NFIP participation, the District must update its flood hazard regulations in accordance with direction from FEMA.

A Notice of Emergency and Proposed Rulemaking was adopted on August 12, 2020, and was published in the *D.C. Register* on August 28, 2020 at 67 DCR 10405. No comments were received from the public regarding the first rulemaking. The first rulemaking remained in effect for one hundred twenty (120) days after the date of adoption and expired on December 10, 2020. This second emergency rulemaking was adopted on December 10, 2020, and shall remain in effect for one hundred twenty (120) days after the date of adoption, expiring April 9, 2021, unless earlier superseded by the publication of a final rulemaking. This second emergency rulemaking is required to prevent a lapse in coverage from the first emergency rulemaking.

To clearly show the changes being made to the Codes, additions are shown in <u>underlined</u> text and deletions are shown in ~~strikethrough~~ text.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act, the proposed amendment has been submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2017, is amended as follows:

Subtitle 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2017, is amended as follows:

Appendix G, FLOOD RESISTANT CONSTRUCTION, is amended as follows:

Section G101, ADMINISTRATION, is amended as follows:

Subsection G101.2 is revised to read as follows:

G101.2 Floodplain Management Regulations of the District of Columbia. The flood-resistant construction provisions of the *Construction Codes*, including this appendix, in combination with the Department of Energy and Environment (DOEE)'s flood resilience rules, set forth in Title 20, Chapter 31 of the District of Columbia Municipal Regulations (DCMR) ("DOEE Flood Resilience Rules"), and Section 6-502 of the D.C. Official Code (2018 Repl.), comprise the *Floodplain Management Regulations of the District of Columbia*. The *Floodplain Administrator* retains all floodplain management responsibilities that are not assigned to the *code official*.

A new Subsection G101.2.1 is added to read as follows:

G101.2.1 Conflict between DOEE Flood Resilience Rules and Flood-Resistant Construction Provisions of the Construction Codes. The flood-resistant construction provisions of the *Construction Codes,* including but not limited to those set forth in Chapter 1 and Appendix G of the *Building Code,* are intended to meet requirements necessary for the District of Columbia to participate in the National Flood Insurance Program, and shall take precedence over any provisions in Title 20, Chapter 31 of the DCMR that apply to proposed *development* of a *development site* located wholly or partially within a *flood hazard area* that is within the scope of Appendix G, except to the extent that Appendix G requires the *code official* to seek review, approval and/or involvement by the *Floodplain Administrator*. Floodplain management responsibilities delegated by Appendix G to the *building code official,* include, but are not limited to, permitting of work in *flood hazard areas* and inspection of work in *flood hazard areas* for which permits have been issued.

Section G802, **MIXED-USE BUILDINGS, is amended as follows:**

Subsection G802.3 is revised to read as follows:

G802.3 Non-residential portion. The *lowest floor* of the non-residential portion of any new construction of, or *substantial improvement* to, a mixed-use building located on a *development site* wholly or partially within a *flood hazard area* shall either be at or above the *design flood elevation*, or be designed and constructed to be dry floodproofed during any flood up to the *design flood elevation*.

Subsection G802.4 is revised to read as follows:

G802.4 Ancillary residential use portion. The *lowest floor* of the ancillary residential use portion of any new construction of, or *substantial improvement* to, a mixed-use building located on a *development site* wholly or partially within a *flood hazard area* shall ~~either~~ be at or above the *design flood elevation*.~~, or be designed and constructed to be wet floodproofed during any flood up to the *design flood elevation*~~.

OFFICE OF LOTTERY AND GAMING

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

(INTERNET BASED LOTTERY GAMES)

The Executive Director of the Office of Lottery and Gaming, pursuant to the authority set forth in Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 36-601.06(a), 36-601.21, 36-601.18(b), and 36-621. (2016 Repl.)), and Office of the Chief Financial Officer Management Control Order No. 96-22, effective September 24, 1996, hereby gives notice of the following emergency and proposed amendments to Chapter 11 (Reserved) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The emergency and proposed rulemaking implements internet based lottery games (iLottery) in the District of Columbia.

Emergency action is necessary to promote the immediate preservation of the health, safety, and welfare of District residents. The Executive Director has determined that emergency action is necessary to raise additional revenue needed by the District as a result of the COVID-19 pandemic, with a portion of such additional revenues to be used for programs that support the immediate preservation of health, safety, and welfare of District of Columbia residents.

These emergency rules were adopted by the Executive Director on December 15, 2020, took effect immediately, and will remain in effect for up to one hundred twenty (120) days from adoption, expiring April 14, 2021, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:

Chapter 11, RESERVED, is amended to read as follows:

CHAPTER 11 iLOTTERY

1100 SCOPE OF CHAPTER

1100.1 This chapter establishes procedures for implementing iLottery game rules, iLottery registration and participation requirements, iLottery Account requirements and iLottery responsible gaming requirements.

1101 LOTTERY PRODUCTS AVAILABLE THROUGH iLOTTERY

1101.1 The Executive Director shall authorize and determine the availability of lottery products through iLottery and for purchase of lottery products using an iLottery Account.

1102 TRADITIONAL LOTTERY PRODUCTS

1102.1 The Executive Director may authorize the sale of traditional lottery products through iLottery and for purchase using an iLottery Account.

1102.2 Traditional lottery products delivered through an iLottery Account may be delivered to a registered iLottery player electronically or in a form and manner determined by the Executive Director.

1102.3 Traditional lottery products offered through iLottery are governed by applicable rules published in the D.C. Municipal Regulations, unless otherwise stated in this chapter. Sections 600, 605, 804.10 and any other provision or requirement pertaining specifically to paper tickets shall not apply to iLottery games or products.

1103 CATEGORIES OF iLOTTERY GAMES

1103.1 In addition to traditional lottery products, the Executive Director may authorize the following types of iLottery games:

(a) Numbers games;

(b) Instant Win games;

(c) KENO and other monitor-style games; and

(d) Cash-out games.

1103.2 The outcomes of iLottery games may be determined on demand or at a predetermined date and time established by the Executive Director.

1103.3 The outcomes of iLottery games, plays or chances of iLottery games may be determined by one or more of the following methods:

(a) Randomizer;

(b) Random number generator; or

(c) Drawing.

1103.4 Prize structures for iLottery games may include one or more of the following:

(a) Pari-mutuel;

(b) Prize tiers;

(c) Progressive; or

(d) Fixed-payout.

1103.5 A drawing may be conducted by a mechanical device using balls, a random number generator, a randomizer or by using any other method authorized by the Executive Director.

1104 iLOTTERY GAME DESCRIPTION

1104.1 The Executive Director shall post an iLottery game description on the Office's website and the Office's mobile application for each iLottery game, with the following minimum information:

(a) The name of the iLottery game;

(b) The purchase price or range of purchase prices of a play for the iLottery game;

(c) The odds of winning the iLottery game and the prizes which can be won;

(d) iLottery game instructions;

(e) The existence of a finalist, grand prize, second chance or other offering, if applicable, and the procedure for the conduct of the same, if applicable;

(f) If applicable, the existence of a bonus game, a mini-game or a game within a game, the instructions for conduct of the same and the chances of winning the bonus game, mini-game or game within a game and the prizes which can be won;

(g) The purchase price of a play for each iLottery game; and

(h) Other information necessary for the conduct of the iLottery game.

1105 USE OF THE OFFICE'S iLOTTERY MOBILE APPLICATION OR WEBSITE

1105.1 To deposit funds or purchase a play of an iLottery game or product using Office's Mobile Application or Website a player must:

(a) Be at least eighteen (18) years of age;

(b) Have a valid iLottery Account;

(c) Have sufficient funds in their iLottery Account to purchase a play of an iLottery game or product;

(d) Be able to be positively identified by the Office's Know Your Customer (KYC) procedures;

(e) Be physically located within the legal boundaries of District of Columbia and in a location not otherwise prohibited by law to purchase a play of an iLottery game or product; and

(f) Be in compliance with all applicable District, federal, state, and local laws, rules, and regulations.

1105.2 A player shall not use or attempt to use the services in any way that:

(a) Violates any District, federal, state, or local law, regulation, or court order;

(b) Misrepresents the player's identity or personal information;

(c) Circumvents any method the Office uses to verify information about the player's age, identity, or physical location;

(d) Impersonates another person, business, entity, physical location, or IP address;

(e) Allows any third party to use the player's iLottery Account;

(f) Attempts to reverse, charge-back, block, cancel, or in any way attempt to prevent the Office's receipt of any funds the player has deposited into their iLottery Account;

(g) Deposits or attempts to deposit any funds derived from an unlawful or fraudulent activity into the player's iLottery Account, including money laundering;

(h) Accesses or attempts to access, collects, or stores personal information of another person;

(i) Accesses or attempts to access or circumvents any security measures;

(j) Gains or attempts to gain unauthorized access to the services or any of the Office's, or its contractors, computers, networks, servers, data, code, or other equipment or information of any kind;

(k) Damages or overburdens the services or any of the Office's, or its contractors, computers, network, servers, data, code, or other equipment or information of any kind;

(l) Modifies or interferes with the use or operation of the services;

(m) Alters, damages, deletes, or otherwise affects any software or code used for the services;

(n) Introduces a computer virus or other disruptive, damaging, or harmful files or programs;

(o) Violates the Office's, or its contractors, proprietary or intellectual property rights in any way; or

(p) Violates any rule, regulation, specific game rules or any directive of the Office.

1106 iLOTTERY ACCOUNTS

1106.1 To apply for an iLottery Account, a player must provide all information requested on the registration form including, the player's full legal name, address, date of birth, and the player's Social Security Number.

1106.2 By submitting an application for an iLottery Account, a player represents and warrants that they:

(a) Are applying for an iLottery Account in their own name;

(b) Are using their own personal information;

(c) Are using their own funds;

(d) Provide information that is true, complete, and accurate to the best of their knowledge;

(e) Will keep their username and password confidential;

(f) Do not already have an open iLottery Account;

(g) Are not prohibited from gambling or otherwise prohibited from using the services; and

(h) Are not opening the iLottery Account for any illegal purpose.

1106.3 The Office may require a player to provide additional information, provide copies of documents, or appear in person at the Office's headquarters in order to complete the iLottery Account application.

1106.4 The Office may require a player to change or update their iLottery Account information at any time, including the player's username and password.

1106.5 Players may not open more than one iLottery Account.

1106.6 By submitting an application for an iLottery Account, a player consents to the Office's use of any age-verification and identity-verification technology or method the Office deems appropriate to validate age and identification. A player may be required to show additional evidence of the player's age and identification, provide copies of documents, or appear in person at the Office's headquarters.

1106.7 A player's application for an iLottery Account shall be denied if the player's age or identity cannot be verified.

1106.8 The Office may close an iLottery Account if the player has not logged into the iLottery Account for eighteen (18) consecutive months.

1106.9 A player may close their iLottery Account at any time except that the iLottery Account may remain in pending closure status if there are outstanding confirmed purchases on future drawings.

1107 iLOTTERY ACCOUNT FUNDING

1107.1 A player may deposit funds into their iLottery Account by using a credit card, debit card, ACH bank transfer, or any other method approved by the Office.

1107.2 By initiating a deposit, the player represents and warrants that they:

(a) Have authority to use the payment source and method selected;

(b) Have the authority to use the funds for the purpose of making a deposit into their iLottery Account;

(c) Are not using a payment source that lists an individual unable to provide consent as a joint Account holder or an authorized user;

(d) Are not depositing funds derived from any fraudulent or unlawful source;

(e) Are not depositing funds in order to create or participate in any unlawful activity, including money laundering;

(f) Will not attempt to reverse, charge-back, block, cancel, or in any way attempt to prevent the Office from receiving the deposit;

(g) Consent to the Office sharing their personal information with any third parties that are used to process their requested deposit; and

(h) Consent to the Office performing any background check or investigation deemed necessary to ensure that their payment source and method are authorized.

1107.3 The Office may require a player to provide additional information and documents.

1107.4 The Office does not guarantee that a deposit will be processed and made available in any specific period of time.

1107.5 The Office is not liable for any damages or losses resulting from any delay, denial or error in processing a deposit.

1107.6 Players must abide by all applicable terms and conditions required by their financial institution or payment processor.

1107.7 Players are responsible for any transaction fees or penalties imposed by any financial institution, payment processor or other third party associated with processing their transaction.

1107.8 Players must reimburse the Office for any losses suffered by the Office as a result of any transaction fees or penalties of any kind associated with the player's transaction and the Office may collect any amount it is owed as a result of any such fees or penalties.

1107.9 Player deposits into an iLottery Account cannot be withdrawn, returned, charged-back, re-credited, or transferred to another iLottery Account. It is the player's responsibility to refrain from depositing more funds than they intend to use.

1107.10 The Office may set or change a minimum required or maximum allowed deposit amount.

1107.11 The Office may make the appropriate adjustments to a player's iLottery Account if funds are mistakenly credited to or deducted from the iLottery Account.

1107.12 Players must promptly notify the Office if funds are incorrectly credited to or deducted from their iLottery Account.

1107.13 The Office may withhold incorrectly deposited amounts from any deposit or prize, or seek recovery if a player withdraws funds that were incorrectly credited to their iLottery Account.

1107.14 The Office may void any plays and refuse to pay any prizes or recover any prizes already paid if a player used funds that were incorrectly credited to their iLottery Account to purchase the play.

1107.15 Players will not receive any interest, dividends, premiums, or loss of use compensation of any kind on funds deposited or held in their iLottery Account, including any claimed or unclaimed prizes.

1108 GEOLOCATION

1108.1 Players consent to the Office or Office's contractors transmitting, collecting, maintaining, processing and using their location data to provide and improve location-based services. Players may withdraw this consent at any time by turning off the location settings on their device or by notifying the Office in writing that they would like to withdraw such consent; however, a player who withdraws consent to providing location data will not be able to purchase a play.

1108.2 The Office's ability to geolocate a player, may require a high-speed internet connection ("WiFi"). The Office is not responsible for any charges associated with a player's use of high-speed internet connection.

1108.3 In some cases, a player's location may need to be verified through their browser location services. A player's location will only be obtained from the browser with additional consent from them. If verification through a player's browser is required, an interactive message will appear when they try to purchase a play through the services.

1108.4 Information relating to a player's location and the location of their device may be shared with Office contractors, sub-contractors, affiliates and other third parties for a variety of reasons, including but not limited to: providing the product, service or transaction the player requested, legal compliance purposes, and marketing purposes. A record confirming the player's location may be retained by the Office.

1109 PURCHASE AND PRIZE RESTRICTIONS

1109.1 Individuals must be at least 18 years of age or older to register for iLottery or to purchase a play of an iLottery game.

1109.2 A registered iLottery player must be located within the geographical boundaries of the District of Columbia to purchase a play of an iLottery game.

1109.3 No ticket shall be purchased by, and no prize shall be paid to, any of the following persons:

(a) The Chief Financial Officer of the District of Columbia; or

(b) Any employee of the Office, or any spouse, domestic partner, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of the Chief Financial Officer or any employee of the Office. For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in D.C. Official Code § 32-701(3) .

1109.4 A registered iLottery player is prohibited from cancelling or reversing the payment on the purchase of a play.

1110 PRIZES

1110.1 Prizes may be awarded by check, draft, electronically or by other means as authorized by the Executive Director. Prizes may be paid using the registered iLottery player's iLottery Account, at the Office's prize center or by other means as authorized by the Executive Director.

1110.2 The Office will report taxable prizes and events to relevant taxing authorities based on established statutory thresholds.

1110.3 The District of Columbia and its agents, officers and employees shall be discharged of liability upon award of a prize.

1110.4 Prizes will be reduced by required tax withholding and any deductions for outstanding liabilities as required by law, including those set forth in D.C. Official Code § 46-224.01 (Interception of Lottery Prizes for Delinquent Child Support Payments).

1110.5 A registered iLottery player may be prohibited from accessing a prize until the Office determines whether there are outstanding liabilities that must be deducted from the prize, including those set forth in D.C. Official Code § 46-224.01 (Interception of Lottery Prizes for Delinquent Child Support Payments).

1110.6 Winning plays will be determined based on the iLottery game and by the data recorded by the Office on its system or systems of record.

1110.7 Internet Instant Games may continue to be sold even after all the top prizes have been sold.

1111 PRIZE CLAIMS

1111.1 The Office will generate applicable tax forms for reportable gambling and lottery winnings as required by District, State and Federal laws and regulations.

1111.2 The Office may use iLottery Account information provided by a registered iLottery player and verified by the Office to generate applicable tax forms for reportable gambling and lottery winnings.

1111.3 The Office may require a registered iLottery player to complete a claim form and to submit it in person at a prize center designated by the Office.

(a) Prizes of $10,000 or more won on Internet Instant Games must be claimed, in person, at the Office's prize center.

(b) Prizes of $600 or more won on any Multi-State Lottery Association game (Powerball, Mega Millions and Lucky for Life) must be claimed, in person, at the Office's prize center.

(c) Prize claimants must present two (2) forms of identification in order to claim a prize at the prize center. Acceptable forms of identification include:

(1) A valid state issued Driver's License, a valid state-issued Non-Driver's License, or a valid U.S. Passport; and

(2) An original Social Security card.

(d) The identifying information appearing on the identification when claiming a prize must match the prize claimant's iLottery Account identifying information.

1111.4 A prize requiring the completion of a claim form or presentation of identification documents will deemed claimed and will not be paid or credited to the registered iLottery player's iLottery Account until a properly completed claim form and acceptable identification documents are submitted to and accepted by the Office.

1111.5 Prize money will be retained for payment to the registered iLottery player for 180 days after the drawing in which the prize was won. If an iLottery player fails claim a prize as required by this section, the prize will expire and the prize money will be forfeited consistent with the D.C. Official Code § 36-601.18 (Unclaimed Prizes).

1112 WITHDRAWALS FROM AN iLOTTERY ACCOUNT

1112.1 A registered iLottery player may withdraw funds from its registered iLottery player's iLottery Account.

1112.2 The Executive Director may require a minimum balance in the registered iLottery player's iLottery Account prior to authorizing a withdrawal.

1112.3 The Office shall not be required to grant a withdrawal request immediately. A withdrawal request from a registered iLottery player's iLottery Account may be delayed for reasons consistent with this chapter and as set forth in the iLottery terms and conditions.

1112.4 A registered iLottery player may be required to provide the Office with information to verify the details of a withdrawal request before the withdrawal request from the registered iLottery player's iLottery Account is processed.

1112.5 A registered iLottery player shall be prohibited from withdrawing bonus money from the registered iLottery player's iLottery Account where the registered iLottery player fails to convert bonus money into cash in conformance with the promotional terms and conditions.

1112.6 A registered iLottery player may request that a withdrawal from the registered iLottery player's iLottery Account be credited to any payment type authorized by the Executive Director.

1112.7 The Office may make adjustments to a registered iLottery player's iLottery Account if the Office determines that funds or bonus funds are mistakenly credited to a registered iLottery player's iLottery Account.

1112.8 The Office shall deduct the purchase price of a lottery product from a registered iLottery player's iLottery Account following the purchase of a lottery product.

1113 TERMINATION OF A GAME

1113.1 The Executive Director may terminate an iLottery game at any time and with or without notice.

1114 iLOTTERY PROMOTIONAL PRIZES

1114.1 The Executive Director may authorize iLottery promotions and issue the terms and conditions pertaining to iLottery promotions.

1115 AGENT PROMOTION PROGRAMS

1115.1 Agent incentive and marketing promotion programs may be implemented at the discretion of the Executive Director.

1116 SUBSCRIPTION SERVICES

1116.1 The Office may offer subscription services for lottery products as authorized by the Executive Director.

1116.2 The subscription services will be governed by the iLottery terms and conditions issued by the Office.

1116.3 Details of subscription services purchased through iLottery will be available electronically through a registered iLottery player's iLottery Account.

1117 RELEASE OF INFORMATION ABOUT PLAYERS AND WINNERS

1117.1 Pursuant to D.C. Official Code § 2-536(6), a prizewinner's name, city, county and state of residence, winnings, and all associated game, play and prize information are records, or a portion of records, required to be made available to the public. Information about or concerning prizewinners or participants in Office activities authorized by this chapter may also be contained in records, or a portion of records, required to be made available to the public pursuant to D.C. Official Code § 2-531 through § 2-539.

1117.2 The Office shall not release the following information about a registered iLottery player except as may be required pursuant to lawful authority or urgent necessity:

(a) The individual's street address;

(b) The individual's telephone number;

(c) The individual's email address;

(d) The individual's financial information;

(e) The individual's self-exclusion information;

(f) The individual's Social Security Number or comparable equivalent;

(g) Information related to the individual's use of responsible gambling tools;

(h) The individual's play history; and

(i) The individual's play tendencies.

1117.3 The Executive Director may direct that prizewinners, or participants in Office activities authorized by this chapter, be photographed or videotaped to complete the Office's records and for the purposes identified in this section.

1117.4 A prizewinner, or participant in Office activities authorized in this chapter, consents, without further consideration or expectation of payment, to the Office's use of the prizewinner's name, county, city and state of residence, the games played, the amount of the prize and any photographic or video-graphic replication of the prizewinner's likeness or image for promotional purposes. "Promotional purposes" shall include, without limitation, advertising, publication and promotion of the office, its games, programs, contests and other activities in any print, broadcast, electronic, internet or other form of media whatsoever.

1117.5 Each prizewinner, or participant in Office activities authorized by this chapter, releases the District of Columbia, the Office, Multi-State Lottery Association, and their respective game groups, members, officers, employees, agents and attorneys, representatives, and contractors from all claims and liability arising out of, or related to, the promotional purposes, and use of the information and likenesses, set out in this section.

1117.6 The provisions of §§ 1117.4 and 1117.5, which are applicable to prizewinners shall also apply to any person who presents a prize claim that is later denied or forfeited for any reason.

1118 RESPONSIBLE GAMING PROGRAM

1118.1 The Office's iLottery program and activities shall be subject to § 2022 of this title.

1119 HEARINGS

1119.1 A registered iLottery player may request a hearing contesting the denial of a prize claim or the disposition of an iLottery Account.

1119.2 A request for a hearing shall be filed with the Executive Director within fifteen (15) business days after the receipt of written notice denying the prize claim.

1119.3 Hearings shall be subject to and conducted in accordance with Chapter 4 of this title.

1120-1198 [RESERVED]

1199 DEFINITIONS

1199.1 The following definitions shall apply to this chapter:

"Agent" means any licensee of the Office authorized to sell lottery tickets. An Agent may also be referred to as a "lottery retailer."

"Bonus Money" means Credit issued to a registered iLottery player that does not have a cash value, but which can be converted to a predetermined cash.

"Business Days" means any days except Saturdays, Sundays, and legal public holidays.

"Cash-Out Games" means a type of iLottery game in which the registered iLottery player is given the option to end the game early for a predetermined amount of money.

"Days" means calendar days.

"Drawing" means the process of selecting the numbers, letters or symbols that determine the winning numbers, letters or symbols or the outcome of an iLottery game or an individual play of an iLottery game.

"Executive Director" means the Executive Director of the Office of Lottery and Gaming.

"Fixed Payouts" means the numbers and amounts of prizes established for an iLottery game, regardless of how many games, plays or chances are sold.

"iLottery" means a system that provides for the distribution of lottery products through numerous channels that include, but are not limited to, web applications, mobile applications, mobile web, tablets and social media platforms that allow a registered iLottery player to interface through a portal

for the purpose of obtaining lottery products and ancillary services, such as account management, game purchase, game play and prize redemption.

"iLottery Account" means an account established by an individual with the Office that shall be used to register for iLottery and to participate in iLottery. A lottery account may be used to purchase or use iLottery products, to participate in iLottery promotions and for lottery communications.

"iLottery game" means Internet instant games and other lottery products offered through iLottery.

"Instant Win Game" means a type of iLottery game in which the result of a play, is the display of numbers, letters or symbols indicating whether a prize has been won. Unlike Internet instant games, no reveal is required to determine whether a prize has been won.

"Internet Instant Game" means a lottery game of chance in which, by the use of a computer, tablet computer or other mobile device, a registered iLottery player purchases a play, with the result of a play being a reveal on the device of numbers, letters or symbols indicating whether a lottery prize has been won according to an established methodology as provided by the Office.

"KENO" means a lottery game in which a player chooses "X" numbers with the object to match as many of "Z" numbers chosen by the lottery from a field of "Y" numbers.

"Lottery Products" means games, plays or chances offered by the Office as well as lottery property that may be exchanged for games, plays or chances. The term includes any lottery game or lottery product authorized by the Executive Director and offered by the Office including instant tickets, terminal-based tickets, raffle games, play-for-fun games, lottery vouchers, subscription services and gift cards.

"Lotto Game" means a type of iLottery game in which a registered iLottery player chooses "X" numbers, letters or symbols from a field of "Y" numbers, letters or symbols. The field of "Y" numbers, letters or symbols is established by the Office. To win, a registered iLottery player matches a designated combination of numbers, letters, symbols, or a specified combination thereof, with the winning numbers, letters or symbols randomly drawn by the Office. Examples of lotto games include Powerball and MegaMillions and similar games in which multiple "Y" numbers, letters or symbols are chosen from a single set of numbers, letters or symbols.

"Mobile Applications and Other Digital Platforms" mean any mobile application or interactive platform approved by the Office for the operation of online iLottery.

"Multi-Factor Authentication" means a type of strong authentication that uses two (2) of the following to verify a player's identity including, information known only to the player, such as a password, pattern or answers to challenge questions, an item possessed by a player such as an electronic token, physical token or an identification card, or a player's biometric data, such as fingerprints or facial or voice recognition.

"Numbers Game" means a type of iLottery game in which a registered iLottery player chooses "X" numbers, letters or symbols from multiple fields of "Y" numbers, letters or symbols. The player must choose whether to purchase a straight play or a box play or other combination of play. Examples of numbers games include DC-2, DC-3, DC-4, DC-5 and similar games in which "Y" numbers, letters or symbols are chosen from multiple sets of numbers, letters or symbols.

"Office" means the Office of Lottery and Gaming.

"Pari-Mutuel" means a prize structure in which the total available prize pool or pool is split between all winners at a particular prize level or levels.

"Play" means an opportunity, for a predetermined price, to participate in an iLottery game. Play may also be referred to as a chance or a share.

"Prize" means the item or money that can be won in each iLottery game as determined by the prize structure for that iLottery game. A prize or may also be referred to as lottery winnings in this chapter.

"Prize Pool" or "Pool" means the amount of money designated for payments of prizes for an iLottery game. The term can also mean a preset number of games, plays or chances containing a predetermined number of winners.

"Prize Tiers" means one or more different levels, amounts or types of prizes for an iLottery game.

"Progressive" means an iLottery game prize structure in which the top prize available begins with a minimum prize amount, as determined by the Office, which grows at a predetermined rate every time a play is purchased and then resets to the minimum prize amount whenever a top prize winning play is purchased.

"Purchase Price" means the cost of a play for an iLottery game.

"Randomizer" means a device or program that generates a random set of numbers.

"Random Number Generator" means a secured computerized system, which draws random numbers to determine the outcome of an individual play of an iLottery game.

"Registered iLottery Player" means an individual who creates an iLottery Account with the Office, registers for iLottery and is approved for participation in iLottery.

"Subscription Services" means a payment, advance payment or promise of payment for multiple lottery products over a specified period of time, including payment through iLottery.

"Top Prize" means the highest prize available to be won in an iLottery game.

"Traditional Lottery Products" means lottery products offered by the Office under chapters 7, 8, 9 and 10 of this title.

"Winning Play" means a play that has been validated by the Office and qualifies for a prize.

"Winning Numbers" means the numbers, letters or symbols selected in a particular iLottery game that have been validated by the Office and are used to determine the winning plays for that particular iLottery game.

Persons desiring to comment on the subject matter of this proposed rulemaking 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 Antar Johnson, Senior Counsel, Office Lottery and Gaming, 2235 Shannon Place S.E., Washington, D.C. 20020, or e-mailed to SWRules@dc.gov. Copies of the proposed rules may be obtained between 8:30 a.m. and 5:00 p.m. at the address stated above. Questions may be directed to (202) 645-8026.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-127
December 18, 2020

SUBJECT: Extension of the Public Emergency and Public Health Emergency and Implementation of a Holiday Pause on Various Activities to Flatten the Curve of COVID-19 Cases

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); in accordance with the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020, D.C. Act 23-405, the Public Health Emergency Authority Additional Extension Emergency Amendment Act of 2020, effective October 5, 2020, D.C. Act 23-411, and any substantially similar subsequent emergency or temporary legislation; section 5 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 (2018 Repl.); 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 (2018 Repl.); the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020, D.C. Act 23-334, 67 DCR 12236; section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases ("Communicable and Preventable Diseases Act"), approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq*. (2018 Repl.); and any substantially similar legislation; and in accordance with Mayor's Order 2020-045, dated March 11, 2020; Mayor's Order 2020-046, dated March 11, 2020; Mayor's Order 2020-050, dated March 20, 2020; Mayor's Order 2020-063, dated April 15, 2020; Mayor's Order 2020-066, May 13, 2020; Mayor's Order 2020-067, dated May 27, 2020; Mayor's Order 2020-079, dated July 22, 2020, and Mayor's Order 2020-103, dated October 7, 2020, it is hereby **ORDERED** that:

I. BACKGROUND

A. The District of Columbia, like the rest of the country, is currently confronting a surge of COVID-19 cases that has worsened dramatically in the past month and will worsen still more, without intervention, as a result of activities over the Christmas and New Year's holidays.

B. On November 16, 2020, the total number of COVID-19 patients in District hospitals was 112, with 36 persons in Intensive Care Units (ICUs). A month later, COVID-19 patients had more than doubled, to 246 persons, with 80 in ICUs. Expected increases in the daily case rate and hospitalizations have been realized post-Thanksgiving.

C. The daily case rate in the District has increased to 35.22 cases per 100,000 persons, having multiplied nearly eight-fold since early July. The District's overall number of positive cases totals 26,104, and tragically 728 District residents have lost their lives to the virus.

D. Health metrics demonstrate that a number of activities are contributors to DC and indeed global cases, and a substantial number of cases cannot identify the source of their infections, which is expected at certain levels of community spread. Therefore, reducing activity outside of one's home and household is recommended, and dialing back some and eliminating other sources of activity is advisable during a season of increased gathering, celebrating and travel.

E. A pause in activity – both mandated by Order and recommended by Advisory – can help stem transmission. Meanwhile, the vaccine is in its first phase of distribution and beginning to provide protection to front-line health care and essential workers and some of the most vulnerable persons, such as those in custodial or congregant care. Taken together, legal restrictions, self-limitation of activity, and the vaccine's deployment can prevent disease, save lives and prevent a crisis at our hospitals.

F. This Order pauses various activities from 10:00 p.m. on Wednesday, December 23, 2020, until 5:00 a.m. on Friday, January 15, 2021; immediately adjusts Mayor's Order 2020-126 so as to remove the percentage capacity and numeric caps on retail food sellers; and extends the Public Emergency and Public Health Emergency.

II. ADVISORY

District residents are strongly advised to limit their activities to essential activities and travel, including work, school, childcare, government services, medical needs, food, supplies, and exercise.

III. RESTRICTED ACTIVITIES

A. Restaurants shall return to having no indoor dining. They may continue outdoor dining and carry out and delivery services.

B. Museums shall be closed; staff and contractors may enter only for the purposes of minimum business operations.

C. Libraries shall close indoor service to patrons and return to pickup and drop-off of materials only.

D. Department of Parks and Recreation may only offer reservations for individual swim and fitness room sessions.

E. Non-essential businesses are required to telework, except in person staff needed to support minimum business operations.

F. The DC Circulator National Mall route is suspended.

IV. REPEAL OF OCCUPANCY LIMITS FOR RETAIL FOOD SELLERS

Section III.H. of Mayor's Order 2020-126 is immediately repealed. Food sellers and big box stores selling a range of essential and non-essential goods are no longer subject to the twenty-five percent (25%) / two hundred fifty (250) person occupancy cap. Stores must make plans that provide for safe social distancing between persons and limit occupancy to the extent necessary for safety.

V. SUPERSESSION

The pauses imposed by Section III of this Order are time limited and all other regulations affecting those sectors remain in place and are not superseded. This Order supersedes any Mayor's Order issued during the COVID-19 Public Health Emergency only to the extent of any inconsistency.

VI. ENFORCEMENT

A. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines or summary suspension or revocation of licenses.

B. The District of Columbia reserves the right to exercise provisions of the Communicable and Preventable Diseases Act, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.*, if warranted, and to issue regulations providing for civil and criminal penalties and injunctive relief for violations of this Order.

VII. EXTENSION OF THE PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY

By this Order, the Public Emergency and Public Health Emergency declared by Mayor's Orders 2020-045 and 2020-046, respectively, and extended by Mayor's Orders 2020-050, 2020-063, 2020-066, 2020-067, 2020-079, and 2020-103 are further extended through March 31, 2021.

EFFECTIVE DATE AND DURATION

A. The restrictions imposed by Section III of this Order shall be effective at 10:00 p.m. on Wednesday, December 23, 2020, and shall continue to be in effect until 5 a.m. on Friday, January 15, 2021.

B. The lifting of the restriction in Section IV of this Order shall be effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

NOTICE OF 2021 REGULAR MEETING DATES

Regular meetings of the Construction Codes Coordinating Board will be held on the following dates from 10:30 a.m. to 12:30 p.m. via Cisco WebEx. Login instructions for each meeting will be provided on the District of Columbia Office of Open Government website at: https://www.open-dc.gov/public-bodies/construction-codes-coordinating-board

Thursday, January 21, 2021
Thursday, February 18, 2021
Thursday, March 18, 2021
Thursday, April 15, 2021
Thursday, May 20, 2021
Thursday, June 17, 2021
Thursday, July 15, 2021
Thursday, August 19, 2021
Thursday, September 16, 2021
Thursday, October 21, 2021
Thursday, November 18, 2021
Thursday, December 16, 2021

The CCCB Meeting Calendar and copies of associated meeting minutes and agendas are available on the District of Columbia Office of Open Government website at: https://www.open-dc.gov/public-bodies/construction-codes-coordinating-board

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SCHEDULE OF FEES

The Council of the District of Columbia passed legislation (Section 11 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq*.)) requiring DCRA to increase assessed fine amounts in tandem with the past year's Consumer Price Index (CPI). Therefore, pursuant to the law, beginning January 1st, 2021, for all infractions listed in §§ 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations, assessed fine amounts will be increased by 1.2%. The new fine amounts as of Jan. 1 are listed in the table below under "Current Fine Amount". The CPI adjustment is based on the September 2020 12-Month Consumer Price Index for All Urban Consumers (CPI-U) for the Washington Metropolitan Statistical Area, as published by the United States Bureau of Labor Statistics.

Fine Type	Previous Fine Amount	New Fine Amount
Class 1		
For the first offense	$2,093	$2,118
For the second offense	$4,187	$4,237
For the third offense	$8,373	$8,474
For the fourth and subsequent offenses	$16,747	$16,948
Class 2		
For the first offense	$1,047	$1,059
For the second offense	$2,093	$2,118
For the third offense	$4,187	$4,237
For the fourth and subsequent offenses	$8,373	$8,474
Class 3		
For the first offense	$524	$530
For the second offense	$1,047	$1,059
For the third offense	$2,093	$2,118
For the fourth and subsequent offenses	$4,187	$4,237
Class 4		
For the first offense	$105	$106
For the second offense	$209	$211
For the third offense	$419	$424
For the fourth and subsequent offenses	$838	$848
Class 5		
For the first offense	$52	$53
For the second offense	$105	$106
For the third offense	$209	$211
For the fourth and subsequent offenses	$419	$424
Class 6		
For the first offense	$10,467	$10,592
For the second and subsequent offenses	$20,934	$21,185

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
DISTRICT OF COLUMBIA HIGHER EDUCATION LICENSURE COMMISSION

The District of Columbia Higher Education Licensure Commission (HELC) hereby announces the following dates for its Executive, Public and Work Meetings as well as its New Applicant Workshop for the Calendar Year 2021.

Calendar Year 2021 Commission Meeting Dates

Location

Virtual Meeting via GotoMeeting*

**Note: During the pendency of the COVID-19 public health emergency, the meetings of the HELC will be held virtually until further notice. Specific details of the meeting link will be shared on HELC's website and on the public meetings calendars as further set forth below.*

Executive Sessions*	Work Meetings*	Public Meeting	New Applicant Workshops
Jan 28, 2021	Jan 14, 2021	Feb 4, 2021	
Mar 25, 2021	Mar 4, 2021	Apr 1, 2021	Feb 18, 2021
May 27, 2021	May 6, 2021	Jun 3, 2021	Apr 15, 2021
Jul 29, 2021	Jul 8, 2021	Aug 5, 2021	Jun 17, 2021
Sept 30, 2021	Sept 9, 2021	Oct 7, 2021	Aug 19, 2021
Nov 30, 2021	Nov 4, 2021	Dec 2, 2021	Oct 21, 2021
Jan 27, 2022	Jan 13, 2022	Feb 3, 2022	Dec 16, 2021

**Executive Sessions and Work Meetings will be initially opened to the public pursuant to the District of Columbia Open Meetings Act (DC Official Code §2-571, et seq.) and then may be closed in whole or in part pursuant to DC Official Code §2-575(b), as applicable.*

A draft meeting agenda will be published in the DC Register prior to the scheduled meeting. Any meeting agenda that is unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the public meetings calendar (www.open-dc.gov) and on HELC's website at https://helc.osse.dc.gov no later than two (2) business days prior to the meeting.

For additional information, please contact:

Maia N. Bailey-Turner, Staff Assistant
Higher Education Licensure Commission
Division of Postsecondary & Career Education
Office of the State Superintendent of Education
1050 1st Street NE, 5th Floor, Washington, DC 20002
202-481-3951 (Direct)
Maia.turner@dc.gov

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE OF PROPOSED AMENDMENT TO THE DISTRICT OF COLUMBIA STATE PLAN FOR MEDICAL ASSISTANCE GOVERNING MEDICAID REIMBURSEMENT OF MEDICAID PHYSICIAN AND SPECIALTY SERVICES

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code §1-307.02 (2016 Repl. & 2019 Supp.)) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2019 Repl.)) hereby gives notice of the intent to submit an amendment to the District of Columbia State Plan for Medical Assistance (State Plan) to the federal Centers for Medicare and Medicaid Services (CMS) for review and approval and to promulgate an accompanying rule.

The proposed State Plan amendment (SPA) and accompanying rule will provide DHCF the authority to make recurring periodic supplemental payments for one (1) fiscal year to Medicaid-enrolled physician groups, with at least five hundred (500) physicians that are members of the group, that contract with a public general hospital located in an economically underserved area of the District to deliver inpatient, emergency department, and intensive care physician services to Medicaid beneficiaries.

This policy change will take effect on October 1, 2020 or the effective date established in the proposed SPA, whichever is later. DHCF also is amending the program rules to support this change. These supplemental payments will mitigate the financial losses of eligible physician group practices that offer these critically important services to Medicaid beneficiaries. DHCF projects an increase in aggregate Medicaid expenditures of approximately four and a half ($4.5) million dollars in Fiscal Year 2021.

The proposed SPA requires approval by CMS. This change shall become effective for services rendered on or after October 1, 2020 through June 30, 2021, or on the effective date established by the CMS in its approval of the corresponding SPA, whichever is later.

If you have any questions, please contact Sharon Augenbaum, Reimbursement Analyst, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, or email at sharon.augenbaum@dc.gov or (202) 442-6082.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF BOARD OF LIBRARY TRUSTEES 2021 MEETING SCHEDULE

Month	Meeting	Date	Time	Location
January 2021	Board of Library Trustees Meeting	Wednesday, January 27	6:00 p.m.	Martin Luther King Jr. Memorial Library – 901 G Street, NW via Webex
March 2021	Board of Library Trustees Meeting	Wednesday, March 24	6:00 p.m.	Martin Luther King Jr. Memorial Library – 901 G Street, NW via Webex
May 2021	Board of Library Trustees Meeting	Wednesday, May 26	6:00 p.m.	Martin Luther King Jr. Memorial Library – 901 G Street, NW via Webex
July 2021	Board of Library Trustees Meeting	Wednesday, July 28	6:00 p.m.	Martin Luther King Jr. Memorial Library – 901 G Street, NW via Webex
September 2021	Board of Library Trustees Meeting	Wednesday, Sept. 22	6:00 p.m.	Martin Luther King Jr. Memorial Library – 901 G Street, NW
November 2021	Board of Library Trustees Meeting	Wednesday, Nov. 17	6:00 p.m.	Martin Luther King Jr. Memorial Library – 901 G Street, NW

Please contact Gary Romero for questions or comments at Gary.Romero@dc.gov or 202-727-9907.

DISTRIC OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD
NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comment on a written request submitted by Digital Pioneers Academy Public Charter School (Digital Pioneers PCS) on September 23, 2020. The school seeks to amend its charter agreement by expanding its grades served and increasing its enrollment ceiling.

Currently in its third year of operation, Digital Pioneers PCS educates 242 students in grades 6 – 8 in Ward 6. The school proposes expanding its program by adding grades 9 – 12. Specifically, the school plans to add grade 9 in school year (SY) 2021 – 22 and seeks to add a grade every year until reaching maturation in SY 2024 – 25. Digital Pioneers PCS proposes adding 120 seats per high school grade level, which would grow its enrollment ceiling from 360 to 840.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its grades served and its enrollment ceiling.

DATES:

- Comments must be submitted on or before November 16, 2020.[1]
- The public hearing will be held on November 16, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be held on December 10, 2020 at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "Digital Pioneers PCS - Notice of Petition to Amend Charter – Grade Expansion, Enrollment Ceiling Increase," by any one of the methods listed below.

1. Submit a written comment via
    a) E-mail: public.comment@dcpcsb.org
    b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010
2. Sign up to testify at the public hearing on November16, 2020 by emailing a request to public.comment@dcpcsb.org no later than 4:00 pm on Thursday, November 12, 2020.

FOR FURTHER INFORMATION, CONTACT: Melodi Sampson, Senior Manager of School Quality and Accountability, at msampson@dcpcsb.org or 202-330-4046.

[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.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER AMENDMENT

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to comment on a written request from Goodwill Excel Center Public Charter School (GEC PCS) to amend its charter by increasing its enrollment ceiling. GEC PCS submitted its request on November 20, 2020.

Currently in its fifth year of operation, GEC PCS educates an alternative population, comprised mostly of adult students, at a single campus located in Ward 2. The mission of GEC PCS is to "…transform adult lives through the power of achieving a high school diploma and accessing post-secondary education and careers in growing, sustainable local industries." The school requests approval to enroll an additional 190 students—raising its ceiling from 360 to 550 —by school year (SY) 2023-24.

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., a charter school must submit a petition to revise its charter, which includes its enrollment ceiling.

DATES:

- Comments must be submitted on or before January 25, 2021.
- The public hearing will be held on January 25, 2021 at 6:30 pm. For the location, please check www.dcpcsb.org.
- The vote will be held on February 22, 2021, at 6:30 pm. For the location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "GEC PCS - Notice of Petition to Amend Charter – Enrollment Ceiling Increase," by any one of the methods listed below.

1. Submit a written comment* via
   a) E-mail: public.comment@dcpcsb.org
   b) Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 3333 14th Street NW, Suite 210, Washington, DC 20010

   *Please select only one of the actions listed.

2. Sign up to testify in-person at the public hearing on January 25, 2021 by emailing a request to public.comment@dcpcsb.org no later than 12:00 pm on Monday, January 25, 2021.

FOR FURTHER INFORMATION, CONTACT: Katherine Dammann, Senior Manager of Fidelity, Applications & School Climate, at kdammann@dcpcsb.org or 202-330-4051.

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.

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 renewal on January 25, 2021. Pending DC PCSB staff's analysis, the Board may elect to do one of the following for each school: 1) renew the school's charter ***or*** 2) commence charter revocation proceedings.

1. Briya Public Charter School (PCS):
   Briya PCS is up for its 15-year charter renewal. The school currently operates a single campus across four facilities in Wards 1, 4, and 5. It serves adult students and their pre-kindergarten offspring. Its mission is to "strengthen families through culturally responsive two-generation education."

2. St. Coletta Public Charter School:
   St. Coletta PCS is up for its 15-year charter renewal. The school currently operates a single campus in Ward 7, where it serves students from the ages of 3 – 22. Its mission is to "empower children and adults with intellectual disabilities to discover their full potential."

3. Washington Latin Public Charter School:
   Washington Latin PCS is up for its 15-year charter renewal. The school currently operates a single campus in Ward 4. It serves students in grades 5 – 12. Its mission is "to provide a challenging, classical education that is accessible to students throughout the District of Columbia."

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., DC PCSB is required to review each DC charter school's performance at least once every five years, and if a school wants to continue operating beyond its original 15-year charter it must apply to DC PCSB in its fifteenth year of operation to renew its charter for another 15-year term. Bryia PCS, St. Coletta PCS, and Washington Latin PCS submitted their respective renewal applications on November 2, 2020.

DATES:

- Comments must be submitted on or before January 25, 2021.
- Vote will be held on January 25, 2021, at 6:30 pm. For location, please check www.dcpcsb.org.

ADDRESSES: You may submit comments, identified by "School Name - Notice of Petition for Charter Renewal," by any one of the methods listed below.[1]

1. Submit a written comment via:

[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.

(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 in-person at the board meeting on January 25, 2021, by emailing a request to public.comment@dcpcsb.org by no later than 4:00 pm on January 21, 2021.

FOR FURTHER INFORMATION CONTACT: Melodi Sampson, Senior Manager—School Quality and Accountability, at (202) 330-4046; email: msampson@dcpcsb.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

2021 SCHEDULE OF COMMISSION OPEN MEETINGS

The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Official Code Section 2-576, of the Commission's 2021 Schedule of Open Meetings to consider formal case matters and other applications that require the Commission's action. The proposed agenda and time for each meeting will be posted on the Commission's website (www.dcpsc.org) not less than 48 hours before each meeting. The Meetings are scheduled to convene at 2:00 p.m. and will be held virtually, with a recording of the meeting posted on the Commission's website before the close of business:

January 6, 2021
January 13, 2021
January 27, 2021

February 3, 2021
February 10, 2021
February 17, 2021
February 24, 2021

March 3, 2021
March 10, 2021
March 17, 2021
March 24, 2021
March 31, 2021

April 7, 2021
April 14, 2021
April 21, 2021
April 28, 2021

May 5, 2021
May 12, 2021
May 19, 2021
May 26, 2021

June 9, 2021
June 16, 2021
June 23, 2021
June 30, 2021

July 7, 2021
July 14, 2021
July 21, 2021
July 28, 2021

August 4, 2021

September 8, 2021
September 15, 2021
September 22, 2021
September 29, 2021

October 6, 2021
October 13, 2021
October 20, 2021
October 27, 2021

November 3, 2021
November 10, 2021
November 17, 2021

December 1, 2021
December 8, 2021
December 15, 2021

DISTRICT DEPARTMENT OF TRANSPORTATION

PUBLIC SPACE COMMITTEE MEETING DATES

Notice of Regularly Scheduled Public Meetings
Calendar Year 2021

Hearing Dates	**Deadline for Filing Applications**
January 28, 2021	November 30, 2020
February 25, 2021	December 21, 2020
March 25, 2021	January 18, 2021
April 22, 2021	February 12, 2021
May 27, 2021	March 22, 2021
June 24, 2021	April 15, 2021
July 22, 2021	May 13, 2021
August 26, 2021	June 21, 2021
September 23, 2021	July 19, 2021
October 28, 2021	August 23, 2021
November 11, 2021	September 6, 2021
December 9, 2021	October 1, 2021

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, January 7, 2021 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 120 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Board Chairman
2.	Roll Call	Board Secretary
3.	Approval of December 3, 2020 Meeting Minutes	Board Chairman
4.	Committee Reports	Committee Chairperson
5.	Chief Executive Officer's Report	Chief Executive Officer
6.	Action Items Joint-Use Non Joint-Use	Board Chairman
7.	Other Business	Board Chairman
8.	Adjournment	Board Chairman

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19659-A of The Federation of State Medical Boards, Inc., as amended, pursuant to 11 DCMR Subtitle X § 901.2 for a special exception under Subtitle U § 203.1(n) to allow use of an existing residential building as an office for a non-profit organization in the R-3 Zone at premises 2118 Leroy Place, N.W. (Square 2531, Lot 49).

HEARING DATES:	January 31 and February 21, 2018
DECISION DATE:	April 18, 2018
ORDER DATE:	October 30, 2018
DECISION DATE ON REMAND:	November 18, 2020

ORDER ON REMAND

By order issued October 30, 2018, the Board of Zoning Adjustment ("**Board**" or "**BZA**") approved this self-certified application subject to 14 conditions. Parties in this proceeding, in addition to the applicant, the Federation of State Medical Boards, Inc. (the "**Applicant**" or "**FSMB**"), were Advisory Neighborhood Commission ("**ANC**") 2D, the Sheridan Kalorama Neighborhood Council ("**SKNC**"), and the Sheridan Kalorama Historical Association ("**SKHA**"). The latter two organizations (collectively, the "**parties in opposition**") appealed the Board's decision to the District of Columbia Court of Appeals, which remanded the case for the Board to give "great weight" to the recommendations of the Office of Planning ("**OP**") with respect to FSMB's staffing, meetings, and receptions. *See Sheridan Kalorama Historical Ass'n v. District of Columbia Bd. of Zoning Adjustment*, No. 18-AA-1260 (decided July 2, 2020). This Order on Remand supplements the Board's original Decision and Order in this proceeding, addressing matters raised in the Court's decision and making certain corrections to the conditions as stated in the original decision.

FINDINGS OF FACT

1. The Applicant proposed to allow as many as 20 persons working at the subject property. The Applicant's original proposal of 25 persons working at the site was revised to 20, which the Applicant described as 15 permanent employees and the flexibility to five temporary workers such as interns and visiting employees. (*See* Exhibit No. 151.)

2. The Office of Planning recommended a condition of approval limiting the number of persons working at the subject property at 15.

3. The Applicant has its principal offices in Texas but also maintains an office in Washington, D.C., where a meeting of the board of directors is held once per year (the

"**annual meeting**"). The annual meeting is typically held in mid-February, lasting four days. The meeting is attended by the Applicant's 15-member board of directors and support staff, approximately five people.

4. The Office of Planning recommended a condition of approval requiring that "[a]nnual meetings and events will not be held at the subject property and will be held off-site." The Applicant initially objected to this recommendation as "restrictive" (*see* Exhibit No. 136) but later revised its proposal to preclude annual meetings at the subject property (*see* Exhibit No. 150). The Applicant also agreed to OP's recommendation to implement a condition specifying that the building at the subject property would not be used "for any types of parties or similar events," including fundraisers.

5. The Applicant proposed to hold meetings (known as "**committee meetings**") periodically at the subject property. The committee meetings would be held during business hours as many as three times per quarter, with as many as 25 invitees at each meeting.

6. The Applicant also proposed to hold meetings (known as "**receptions**") during the evening (5:00 to 8:00 p.m.) before a committee meeting. As proposed, the receptions would not occur more than once per quarter and could involve as many as 50 guests.

7. The Office of Planning recommended a condition of approval limiting the committee meetings to a maximum of three per quarter, mostly during business hours and with a maximum of 15 invitees. The OP recommendation would allow one of the three committee meetings per quarter to include a reception that would end by 8:00 p.m., subject to the limit of 15 invitees.

8. The Applicant's building was previously used as a chancery and contained 27 offices and cubicles when the property was acquired by the Applicant in 2017.

9. The 2100 block of Leroy Place, N.W. is relatively narrow, providing a right of way that is 60 feet wide. One-way vehicular traffic (eastbound) is permitted.

10. Parking is permitted on the south side of Leroy Place in the vicinity of the subject property. The north side of the block contains numerous curb cuts providing vehicular access to parking spaces on properties on that side of the street.

11. By memorandum dated February 14, 2018, the District Department of Transportation ("**DDOT**") reiterated its lack of objection to approval of the application, considering the Applicant's revised proposal to allow 25 people working at the subject property. According to DDOT, "the limited options available for long-term on-street parking on Leroy Place … will limit vehicular trip generation." (Exhibit No. 145.)

12. The DDOT report noted that the subject property can be accessed by walking, bicycle, and transit. The subject property is less than two blocks from a Capital Bikeshare station

and less than a half-mile from a Metrorail station and several bus stops, with no gaps in the sidewalks between the subject property and the access points to the various transit options.

13. DDOT's lack of objection to approval of the application was conditioned on the provision of three bicycle parking spaces at the subject property. The Board adopted a condition of approval requiring the provision of three bicycle spaces. (Condition No. 12.)

14. The 2100 block of Leroy Place N.W. is primarily residential in character but also contains institutional uses such as nonprofit offices, chanceries, a place of worship, and a cultural center. A hotel is located at the corner of Leroy Place and Connecticut Avenue. The Board previously approved a nonprofit office use, with up to 35 employees and without any large meetings or conferences permitted on site, in the same block at 2110 Leroy Place. *See* Application No. 15555 (order issued June 24, 1992); *affirmed*, *French v. District of Columbia Bd. of Zoning Adjustment,* 658 A.2d 1023 (D.C. 1995).

CONCLUSIONS OF LAW AND DECISION

The Board is required under § 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 (2001)) to give great weight to the recommendations of the Office of Planning. The Court of Appeals has held that this requirement means that the Board must consider OP's views and provide a reasoned basis for any disagreement with them. *See Glenbrook Rd. Assn. v. District of Columbia Bd. of Zoning Adjustment*, 605 A.2d 22, 34 (D.C. 1992).

In this case, the Office of Planning recommended approval of the application subject to a number of conditions. The Board adopted most of the conditions as proposed by OP, finding them necessary to ensure that approval of the requested special exception would satisfy applicable requirements, especially with respect to avoiding the creation of adverse impacts on the use of neighboring properties. In a few instances – concerning the number of persons permitted on site as staff or invitees of various meetings related to the nonprofit office use – the Board approved some different limits than those recommended by OP. For the reasons discussed in this Order on Remand, the Board did not agree with all of the restrictions recommended by OP but concluded in some cases that other limits were appropriate, as reflected in the 14 conditions of approval adopted by the Board in this proceeding.

With regard to staffing, the Board notes that the Applicant requested approval for 20 persons working at the subject property, while OP recommended a maximum of 15, consistent with the Applicant's initial proposal. The Board adopted a condition limiting the number of persons working on-site to 18.

The OP supplemental report stated OP's view that "the Applicant's proposed cap of 25 staff is excessive given the location, the size of the building, and the Applicant's indication that there are

currently eight (8) staff members in the existing DC office and they are expected to grow to ten (10) staff." The Board did not rely on the size of the building at the subject property or on the Applicant's current or proposed staffing levels in its determination that the proposed use, as conditioned, would not tend to create adverse impacts on the use of neighboring properties. *See National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687 (D.C. 1984) (Board may impose restrictive conditions regulating the use of property, but not personal conditions regulating the owner's business conduct; a condition limiting the number of employees, which does regulate the use of property, should relate to substantial evidence in the record as a whole regarding traffic, parking, and availability of public transport, and not depend merely on the owner's current number of employees). While the Board was not persuaded by the Applicant that a cap of 20 was appropriate, the Board also did not agree with OP's conclusion that the number of people working at the subject property must be limited to 15. The Board notes that the subject property is located on a narrow street characterized by traffic and parking challenges. However, the Board did not find a need to limit staffing at the building to 15 in light of the availability of other, non-vehicular means to access the property, especially considering DDOT's lack of objection to approval with 25 staff and the other conditions of approval adopted in this proceeding that would limit traffic and parking impacts of the proposed nonprofit office use at the site.

With regard to meetings, the Board agreed with OP's recommendation that approval of the requested special exception should not entail permission to hold annual meetings, fundraisers, or other large events at the subject property, or to allow use of the Applicant's building by other persons or entities for events unrelated to the nonprofit office use. *See* Condition No. 8.

The Board agreed with OP and the Applicant that some small meetings attendant to the nonprofit office use could be held periodically at the subject property without causing adverse impacts on the use of neighboring properties. These meetings would be conducted in compliance with the conditions of approval limiting hours of operation of the nonprofit office use as well as restrictions on parking, deliveries, and loading.

The Board accepted OP's recommendation to limit the number of committee meetings to three per quarter. However, the Board was not persuaded that the number of invitees at each committee meeting should be limited to 15, as recommended by OP; instead, the Board agreed with the Applicant that as many as 25 invitees could be permitted without creating a likelihood of adverse impacts. The committee meetings are unlikely to generate any adverse impacts other than potentially those related to traffic and parking when a larger number of people occasionally travel to the site. However, the Board does not find that the committee meetings, held during business hours and subject to limits on parking, loading, and deliveries, are likely to adversely affect the use of neighboring properties.

The Applicant proposed to hold a reception once per quarter, on an evening before a committee meeting, with as many as 50 invitees and lasting as late as 8:00 p.m. OP's recommendation would have allowed an evening reception as one of the three-per-quarter committee meetings (not in addition to those meetings) but would not have permitted any additional invitees,

restricting the receptions to a maximum of 15 persons. The Board agreed with the Applicant with respect to the number of invitees and the duration of the reception. However, the Board did not agree with either the Applicant or OP that receptions should be permitted every quarter; that frequency could generate undue impacts relating to traffic and parking. Instead, the Board adopted a restriction limiting receptions to once per year.

The Office of Planning reports do not specify a rationale for OP's recommended limits except to state that the Applicant's proposal with respect to meetings "would not appear … to adequately mitigate potential impacts of the use on the surrounding residential neighborhood." (Exhibit No. 153.) The Board agreed with the Applicant's proposal with respect to committee meetings – up to three per quarter with a maximum of 25 invitees – finding that the conditions of approval will adequately mitigate any adverse impacts potentially arising from those periodic events. The Board was not persuaded by the Applicant's assertion that a large reception should be permitted as often as once per quarter in addition to the committee meetings, or by OP's recommendation that any reception should be limited to 15 invitees. Instead, the Board determined to permit an evening reception once per year for up to 50 invitees. The Board notes that the subject property is in a relatively densely developed area, fronting on a relatively narrow street. However, any impacts associated with the Applicant's committee meetings, held during business hours, and receptions, limited to once per year, are not likely to create undue adverse impacts on the use of neighboring properties, especially considering that residential neighbors may host similar events as a matter of right, not subject to any conditions of approval restricting number of invitees, parking, loading, or deliveries.

The Board notes that the original order in this proceeding inadvertently specified that receptions could be held once per quarter, rather than the intended once per year. The conditions previously adopted by the Board are restated below, as revised to correct that error and to reflect that the conditions of approval govern the grant of a special exception under Subtitle U § 203.1(n) to allow use of an existing residential building as an office for a non-profit organization. *See, e.g., French*, 658 A.2d at 1029 (conditions imposed by the Board run with the land without regard to the identity of the person who owns or occupies the building).

Accordingly, it is **ORDERED** that this application is hereby **GRANTED** AND, PURSUANT TO SUBTITLE Y § 604.10, **SUBJECT TO THE APPROVED PLANS AT EXHIBIT 9 – ARCHITECTURAL PLANS AND ELEVATIONS**[1] - AND WITH THE FOLLOWING **CONDITIONS**:

1. The proposed nonprofit office use shall be approved for a period of FIVE (5) YEARS, beginning on the date of issuance of the certificate of occupancy.

[1] Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Exhibit 1). In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any such application that would require additional or different zoning relief from that is granted by this Order.

2. There shall be no expansion of the existing Building footprint, and other external alterations are subject to approval by the DC Historic Preservation Office.

3. The office hours of operation shall not exceed 8:00 a.m. to 6:00 p.m. Monday through Friday.

4. Staff and visitor parking shall be in nearby garages only and on-street parking shall not be allowed. The Applicant shall memorialize the restriction on street parking in the employee handbook. The Applicant may utilize the two spaces in its own garage, accessed from the rear of the property.

5. A maximum of 18 people may work on-site.

6. All deliveries shall be restricted to weekday office hours.

7. Loading shall be restricted to the alley.

8. Annual meeting and events shall not be held at the subject property and shall be held off-site. The Premises shall not be used for any types of parties or similar events. Fundraisers are also prohibited. The Applicant may hold a maximum of three committee meetings per quarter, not to exceed more than 25 invitees per meeting. The Applicant may hold a maximum of one reception per year to be held the night before a committee meeting. The reception shall end by 8:00 p.m. and shall not exceed 50 guests.

9. The Applicant and the ANC shall establish a neighborhood liaison to provide a forum for concerns and provide information about activities to property owners within 200 feet of the Subject Property, and the Applicant shall designate one of its executive officers as its liaison to the forum, which shall convene no less frequently than on a quarterly basis.

10. The Applicant shall maintain security lighting in the rear of the Property. Exterior lighting and security equipment shall be consistent with the style customary to Sheridan-Kalorama and will be selected with the neighborhood liaison.

11. The Applicant shall maintain a 24-hour emergency response service and provide contact numbers to the ANC, neighborhood liaison, and to all neighbors within 200 feet of the Property.

12. The Applicant shall provide a covered space dedicated to parking for at least three bicycles.

13. No smoking shall be allowed anywhere on the Property, and employees will be subject to the smoking policies contained in the employee handbook.

14. The Applicant shall give notice and a copy of plans to the liaison, the ANC, the SKNC, the SKHA, and the two neighbors whose properties abut the site.

VOTE (November 18, 2020): **3-0-2** (Frederick Hill, Lorna John, and Peter May to APPROVE; Chrishaun Smith, not present, not voting; 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: December 11, 2020

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF ZONING
BOARD OF ZONING ADJUSTMENT

BZA Order No. 19897A
BZA Case No. 19897
Coloma River Capital
Subtitle Y § 705.7 Administrative Covid-19 1-year Time Extension for Special Exceptions to construct a new 46-unit apartment house with ground floor retail in the MU-4 Zone. Lots 822 and 817, Square 3389 (71 Kennedy Street, N.W and 5505 1st Street, N.W.)

- BZA Order (the "Order"), effective on March 14, 2019, was valid until March 14, 2021.
- The applicant filed an application to extend the Order's validity per Subtitle Y § 705.7, as adopted by the Zoning Commission's emergency action in Z.C. Case 20-26 by 1 year.
- Pursuant to Subtitle Y § 705.7, the Director of the Office of Zoning extends the Order's validity to expire on March 14, 2022.

In accordance with the provisions of Subtitle Y §§ 604.7 and 604.11, this Order shall become effective ten (10) days after it becomes final upon filing in the record and service on the parties; that is, on December 15, 2020.

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, MARCH 3, 2021
VIRTUAL MEETING 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.

FOR EXPEDITED REVIEW

WARD THREE

Application of:	**Mark C. Bisnow**
Case No.:	**20432**
Address:	2717 Chesapeake Street N.W. (Square 2258, Lot 35)
ANC:	**3F**
Relief:	Special Exceptions from: • the side yard requirements of Subtitle D § 507.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a two-story, attached, accessory garage addition, to an existing two-story, detached, principal dwelling unit in the R-8 Zone.

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.

**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