

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 23-0496, Fair Access to Selective High Schools Amendment Act of 2019
- Department of Energy and Environment updates the Stormwater Management and Soil Erosion and Sediment Control regulations
- Department of Energy and Environment solicits a partner to study and promote the benefits of the District’s Building Energy Performance Standard Program (BEPS) to District residents and building owners
- Department of Health solicits partners to propose strategies for addressing tobacco use dependence and improving lung cancer screening rates in the District’s healthcare system processes
- Department of Health announces funding for developing harm reduction and opioid overdose reduction program models
- Department of Human Resources updates the District’s government employee residency regulations
- D.C. Public Service Commission revises its Renewable Energy Portfolio Standard to implement the provisions of the CleanEnergy DC Omnibus Amendment Act of 2018

# DISTRICT OF COLUMBIA REGISTER

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A23-201 Fiscal Year 2020 Budget Support Clarification  
Second Emergency Amendment Act of 2019 (B23-582).....000731 - 000739

A23-202 Detained Youth Access to the Juvenile Services  
Program Amendment Act of 2019 (B23-291).....000740 - 000742

A23-203 Fiscal Year 2020 Budget Support Clarification  
Amendment Act of 2019 (B23-504) .....000743 - 000750

A23-204 Primary Election Filing Requirement Temporary  
Amendment Act of 2020 (B23-576) .....000751 - 000752

A23-205 Modifications to Contract No. DCRL-2016-C-0004  
with Far Southeast Family Strengthening Collaborative  
Approval and Payment Authorization Emergency  
Act of 2020 (B23-588) .....000753 - 000754

A23-206 Modifications to Contract No. DCRL-2016-C-0001  
with Collaborative Solutions for Communities  
Approval and Payment Authorization Emergency  
Act of 2020 (B23-589) .....000755 - 000756

A23-207 Sanctuary Values Congressional Review Emergency  
Amendment Act of 2020 (B23-594) .....000757 - 000758

RESOLUTIONS

Res 23-325 Howard University Revenue Bonds Project  
Approval Resolution of 2020 .....000759 - 000767

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

**Notice of Intent to Act on New Legislation -**  
Bills B23-618, B23-619, B23-620, B23-623,  
B23-624, and B23-627 and Proposed Resolutions  
PR23-655 through PR23-658, PR23-660, and PR23-661 .....000768 - 000770

COUNCIL HEARINGS

**Notice of Public Hearings -**  
Agency Performance Oversight Hearings, Fiscal  
Year 2019-2020, (Abbreviated), 1/28/2020 .....000771 - 000780

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

**COUNCIL HEARINGS CONT'D**

**Notice of Public Hearings - cont'd**

B23-0488	Student Activity Fund Theatrical and Music Performance Expenditures Act of 2019 (Joint) (Revised) .....	000781 - 000782
B23-0569	District of Columbia Public Schools Family and School Community Fundraising Equity Act of 2019 (Joint) (Revised) .....	000781 - 000782
B23-0365	Critical Risk Rate School Funding Designation Act of 2019 (Joint) (Revised) .....	000781 - 000782
B23-0496	Fair Access to Selective High Schools Amendment Act of 2019 (Joint) (Revised and Abbreviated).....	000783 - 000784
	Fiscal Year 2021 Proposed Budget and Financial Plan, Fiscal Year 2021 Budget Support Act of 2020, Fiscal Year 2021 Local Budget Act of 2020, Fiscal Year 2021 Federal Budget Act of 2020, and Committee Mark-up Schedule, 1/28/2020.....	000785 - 000795

**OTHER COUNCIL ACTIONS**

**Notice of Grant Budget Modification -**

GBM 23-64	FY 2020 Grant Budget Modifications of January 6, 2020.....	000796
-----------	--	--------

**Notice of Reprogramming Request -**

23-73	Request to reprogram \$571,000 of Fiscal Year 2020 Special Purpose Revenue funds from the Department of General Services to the District of Columbia Public Schools .....	000797
-------	---	--------

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES**

**PUBLIC HEARINGS**

**Alcoholic Beverage Regulation Administration -**

Blackfinn - ANC 2B - Sports Wagering Substantial Change .....	000798
Cloud Restaurant & Lounge Sports Bar - ANC 1B - Renewal .....	000799
Empire Lounge - ANC 1B - Renewal .....	000800
Finn McCool's - ANC 6B - Class Change - READVERTISEMENT.....	000801
Finn McCool's - ANC 6B - Class Change - RESCIND .....	000802
Laoban Dumplings - ANC 5D - New.....	000803
Medusa Lounge - ANC 1B - Renewal .....	000804
Poke Papa - ANC 2C - New.....	000805
Roy Boys - ANC 6D - Change of Hours.....	000806
Sticx - ANC 2E - New .....	000807
Toscana Market - ANC 6E - New .....	000808



ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Health, Department (DC Health) -
State Health Planning and Development Agency -
Notice of Public Hearing - Children's Hospital
(Certificate of Need Registration No. 19-5-12) for the
establishment of pediatric lung transplant services ..... 000809

Zoning Adjustment, Board of - Public Hearing Notice - March 25, 2020
20223 Bernard Berry - ANC 6E.....000810 - 000813
20225 Rula Malky - ANC 5C .....000810 - 000813
20227 Andrew Lewczyk - ANC 5E .....000810 - 000813
20229 David and Grace Kelly - ANC 6A .....000810 - 000813
20230 The Abdool Shaeed Akhran Revocable Trust - ANC 1A .....000810 - 000813
20231 Bernard Veuthey and Cora M. Shaw - ANC 5B .....000810 - 000813
20233 Erin Carroll - ANC 3E .....000810 - 000813
20235 Bryant Phase 1-E, LLC - ANC 5E .....000810 - 000813
20236 Bryant Phase 1-B, LLC - ANC 5E .....000810 - 000813

Zoning Commission - Case -
19-17 Atlas MLK, LLC & 3715 MLK, LLC .....000814 - 000817

FINAL RULEMAKING

Energy and Environment, Department of -
Amend 21 DCMR (Water and Sanitation),
Ch. 5 (Water Quality and Pollution),
Sections 500, 501, 517, 518, 519, 520, 521,
522, 524, 526, 527, 528, 531, 534, 541, 542,
543, 547, 552, and Sec. 599 (Definitions),
to update the Stormwater Management and Soil
Erosion and Sediment Control regulations..... 000818 - 000872

Health, Department of (DC Health) -
Amend 16 DCMR (Consumers, Commercial Practices, and Civil Infractions),
Ch. 36 (Department of Health (DOH) Infractions), to repeal and replace
Sec. 3621 (Swimming Pool & Spa Operations Infractions) with
Sec. 3621 (Aquatic Facilities Infractions), to establish fines for
swimming pool, spa, and sauna operations.....000873 - 000880

Health, Department of (DC Health) -
Amend 16 DCMR (Consumers, Commercial Practices, and Civil Infractions),
Ch. 36 (Department of Health (DOH) Infractions),
to rename Sec. 3631 (Rodent Control Infractions) to
Sec. 3631 (Public Health Nuisances and Rodent Control Infractions),
to establish a new schedule of fines for Public Health
Nuisances and Rodent Control .....000881 - 000886

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**FINAL RULEMAKING CONT'D**

Health, Department of (DC Health) -  
 Amend 17 DCMR (Business, Occupations, and Professionals),  
 Ch.47 (Acupuncture),  
 Sec. 4710 (Continuing Professional Education Requirements), and  
 Sec. 4799 (Definitions), to update continuing education  
 requirements for licensed acupuncturists.....000887 - 000888

Human Resources, DC Department of -  
 Amend 6 DCMR (Personnel),  
 Subtitle B (Government Personnel),  
 Ch. 3 (Residency),  
 Sections 300 - 309, and Sec. 399 (Definitions),  
 to implement the provisions of the District Government  
 Employee Residency Amendment Act of 2018.....000889 - 000896

Human Resources, DC Department of -  
 Amend 6 DCMR (Personnel),  
 Subtitle B (Government Personnel),  
 Ch. 18 (Employee Conduct),  
 Sec. 1805 (Financial Interests and Disclosures),  
 Sec. 1806 (Restrictions on the Employment of Relatives (Nepotism)), and  
 Sec. 1899 (Definitions), to allow the Mayor, Attorney General  
 of the District of Columbia, the Executive Director of the  
 D.C. Public Library, and members of the State Board of  
 Education (SBOE) to serve as an honorary chair or honorary  
 member of a nonprofit entity’s fundraising event.....000897 - 000899

Public Service Commission - RM29-2019-01 -  
 Amend 15 DCMR (Public Utilities and Cable Television),  
 Ch. 29 (Renewable Energy Portfolio Standard),  
 Sections 2901 - 2903, and Sec. 2999 (Definitions),  
 to establish rules in accordance with the CleanEnergy  
 DC Omnibus Amendment Act of 2018.....000900 - 000906

**PROPOSED RULEMAKING**

Health Care Finance, Department of -  
 Amend 29 DCMR (Public Welfare), to add  
 Ch. 88 (Program of All-Inclusive Care for the Elderly),  
 Sections 8800 - 8814 and Sec. 8899 (Definitions),  
 to implement the requirements of the Program of  
 All-Inclusive Care for the Elderly Establishment Act of 2018 .....000907 - 000931

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**PROPOSED RULEMAKING CONT'D**

Health, Department of (DC Health) -  
 Amend 17 DCMR (Business, Occupations, and Professionals),  
 Ch. 81 (Polysomnography),  
 Sec. 8105 (Renewals, Reinstatements, and Reactivations of  
 Polysomnographic Technologist Licenses), and  
 Sec. 8199 (Definitions), to revise the continuing education  
 requirements for polysomnographic technologists.....000932 - 000934

Health, Department of (DC Health) -  
 Amend 25 (Food Operations and Community Hygiene Facilities),  
 Subtitle I (Public Health Nuisances and Rodent Control Regulations),  
 to add Ch. 5 (Schedule of Fees and Services),  
 Sec. 500 (Schedule of Fees and Services), to ensure  
 the public that property owners’ demolition or removal  
 of existing buildings or structures, other than a fence or  
 a shed, in the District are in compliance with DC Health’s  
 Public Health Nuisances and Rodent Control Regulations .....000935 - 000936

Lottery and Gaming, Office of -  
 Amend 30 DCMR (Lottery and Charitable Games),  
 to rename Ch. 20 [Reserved] to  
 Ch. 20 (District Operated Sports Wagering),  
 Sections 2000 - 2022 and Sec. 2099 (Definitions),  
 to implement provisions of the Sports Wagering  
 Lottery Amendment Act of 2018 .....000937 - 001003

**EMERGENCY AND PROPOSED RULEMAKING**

Behavioral Health, Department of -  
 Amend 22 DCMR (Health), Subtitle A (Mental Health),  
 Ch. 57 (Mental Health Community Residence Facility Per Diem),  
 to delete and replace Sec. 5701 (Reimbursement Rate),  
 to increase the locally-funded per diem to be paid to all MHCRFs  
 licensed by the Department of Behavioral Health in accordance  
 with their level of licensure.....001004 - 001006

**NOTICES, OPINIONS, AND ORDERS**

**MAYOR’S ORDERS**

2020-005 Appointments – Violence Fatality Review  
 Committee (Ari Davis, Dannielle Hamilton,  
 and Helaina Roisman) .....001007 - 001008

2020-006 Delegation – Authority - Individual Insurance  
 Market Affordability and Stability Fund ..... 001009

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**NOTICES, OPINIONS, AND ORDERS CONT'D  
MAYOR'S ORDERS CONT'D**

2020-007	Reappointments – Commission on Climate Change and Resiliency (Maureen Holman, Jason E. Turner, and Peggy Keller).....	001010
----------	---	--------

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

Alcoholic Beverage Regulation Administration -		
	ABC Board's Calendar for February 5, 2020 .....	001011 - 001014
	ABC Board's Cancellation Agenda for February 5, 2020 .....	001015
	ABC Board's Investigative Agenda for February 5, 2020.....	001016 - 001017
	ABC Board's Licensing Agenda for February 5, 2020 .....	001018
Center City Public Charter Schools -		
	Notice of Intent to Award Sole Source Contract for Apple, Inc. ....	001019
	Request for Proposals - Cisco/Meraki Network Equipment .....	001020
Consumer and Regulatory Affairs, Department of -		
Notices of Substantial Undue Economic Hardship Determination -		
	3614 Morrison Street, NW - FY2016.....	001021
	3614 Morrison Street, NW - FY2017 .....	001022
DC International Public Charter School -		
	Request for Proposals - Green Custodial Supplies.....	001023
DC Scholars Public Charter School -		
	Notice of Intent to Enter a Sole Source Contract -	
	Staffing Partnership - Alumni Matching .....	001024
E.L. Haynes Public Charter School -		
	Notice of Intent to Enter a Sole Source Contract -	
	Instruction Partners .....	001025
Employee Appeals, Office of -		
	Updated Fiscal Year 2020 Monthly Meeting Schedule .....	001026
Energy and Environment, Department of -		
	Notice of Funding Availability - Pathways to DC	
	Building Energy Performance Standards Compliance .....	001027 - 001028
Health, Department of Health (DC Health) -		
	Board of Medicine Meeting, January 29, 2020 .....	001029

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Health, Department of Health (DC Health) - cont'd

Notice of 2020 Meeting Schedules -

- Board of Chiropractic .....001030
- Board of Massage Therapy.....001031
- Board of Optometry.....001032
- Board of Podiatry .....001033
- Board of Psychology .....001034
- Board of Veterinary Medicine.....001035

Notice of Funding Availability (NOFA) -  
Community Health Administration (CHA) -  
RFA#: CHA-TCLS-02.14.2020 - Tobacco  
Cessation & Lung Cancer Screening Health  
Systems Change .....001036 - 001037

Notice of Funding Availability (NOFA) -  
HIVAIDS, Hepatitis, STD and TB Administration  
(HAHSTA) - RFA# IHRP 02.14.20 - Engaging and  
Empowering Communities by Building Capacity to  
Implement Harm Reduction Programs.....001038 - 001039

Notice of Meetings and Meeting Cancellations for the  
Board of Dentistry for the First Quarter of 2020.....001040

Historic Preservation Review Board -

Historic District Amendment Application Receipt -  
20-03 Kingman Park Historic District Amendment .....001041 - 001043

Kingsman Academy Public Charter School -

Request for Proposal - Behavioral Support Services .....001044

KIPP DC Public Charter Schools -

Request for Proposals - Accounting Services and  
Payroll Services.....001045

Public Service Commission -

Notice of Final Tariff -

- FC No. 1130 - Modernizing the Energy  
Delivery System for Increased Sustainability.....001046 - 001048
- FC No. 1155 - Pepco for Approval of Its  
Transportation Electrification Program .....001046 - 001048

Public Notice -

FC No. 1162 - WGL for Authority to Increase  
Existing Rates and Charges for Gas Service .....001049 - 001052

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

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

Retirement, Board of -

Notice of Public Interest - Certification of Winner of  
Election of Retired Firefighter Representative on the Board .....001053

Secretary, Office of -

Recommendations for Appointments as  
DC Notaries Public - Effective March 1, 2020 .....001054 - 001061

Sentencing Commission, DC -

Notice of Public Meeting - January 21, 2020.....001062

Thurgood Marshall Academy Public Charter High School -

Request for Proposals - Door and Window  
Security Enhancements .....001063

Zoning Adjustment, Board of - Cases -

18744-A	Patterson SPE LLC - ANC 2B - Order	.....001064 - 001068
19819-A	Southern Hills LP - ANC 8D - Order	.....001069 - 001073
20136	Christopher Hall - ANC 1A - Order.....	001074 - 001076
20165	Andrew Dunnaville - ANC 2E - Order	.....001077 - 001079
20166	Destination Pet LLC - ANC 1C - Order	.....001080 - 001084
20176	M Street Five LLC - ANC 2E - Order	.....001085 - 001087
20177	Aulona Alia - ANC 5E - Order	.....001088 - 001090
20179	Eli Richman Kaplan NMP Revocable Trust - ANC 6E - Order.....	001091 - 001093

Zoning Commission - Case -

12-14B 3rd & M LLC, 3rd & K, LLC,  
and Park Inn Associates, LP - Order.....001094 - 001098

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-201**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 22, 2020**

To amend, on an emergency basis, the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, the Advisory Neighborhood Councils Act of 1975, the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, the Day Care Policy Act of 1979, the Neighborhood Engagement Achieves Results Amendment Act of 2016, Title 29 of the D.C. Official Code, the Lead Service Line Priority Replacement Assistance Act of 2004, the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, the Commission on the Arts and Humanities Act, Title 47 of the D.C. Official Code, and the Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019 to clarify provisions supporting the Fiscal Year 2020 budget; and to provide for the award of a grant in the amount of \$100,000 from the Mayor to the Historical Society of Washington, D.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2020 Budget Support Clarification Second Emergency Amendment Act of 2019”.

Sec. 2. Section 108c(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 10, 2019 (D.C. Law 22-313; D.C. Official Code § 1-301.88f(a)), is amended by striking the phrase “grants not to exceed the total amount of \$360,000 for” and inserting the phrase “grants for” in its place.

Sec. 3. Section 16(j)(3) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(j)(3)), is amended to read as follows:

“(3)(A)(i) If a Commission has failed to timely file 2 or more quarterly reports approved by the OANC, the Commission shall forfeit the allotments associated with the most

## ENROLLED ORIGINAL

recent untimely quarterly report and shall forfeit additional allotments until the Commission files the required reports.

“(ii) If a Commission had not received a quarterly allotment by the last day of the fiscal year because it failed to file a quarterly allotment approved by the OANC, the Commission shall forfeit the unclaimed allotment or allotments.

“(iii) All funds forfeited pursuant to this paragraph shall return to the District’s General Fund.

“(B) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not apply to the failure to file quarterly reports covering periods prior to the 2020 fiscal year.”.

Sec. 4. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding a new subsection (g) to read as follows:

“(g) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2020, the Deputy Mayor for Planning and Economic Development shall award a grant to assist with capital improvements and related facility maintenance, and general operating expenses for a theatre that is a National Center for Latino Performing Arts, located in the District-owned Tivoli Building, in an amount not to exceed \$1 million.”.

Sec. 5. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended by adding a new section 11d to read as follows:

“Sec. 11d. Early Childhood Development Fund.

“(a) There is established as a special fund the Early Childhood Development Fund (“Fund”), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

“(b) Fifty percent of all net revenue collected pursuant to section 311(a)(3) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)(3)), shall be deposited into the Fund.

“(c) Money in the Fund shall be used to support the cost of care and the teacher salary scale increases as set forth in section 11b.

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

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



## ENROLLED ORIGINAL

Sec. 6. Section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413), is revived and amended to read as follows:

“Sec. 103. Neighborhood Safety and Engagement Fund.

“(a) There is established as a special fund the Neighborhood Safety and Engagement Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Fifty percent of all net revenue collected pursuant to section 311(a)(3) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)(3)), shall be deposited into the Fund.

“(c) Money in the Fund shall only be used to support the duties of the Office of Neighborhood Safety and Engagement as described in section 101(b).

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

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

Sec. 7. Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-102.01(a) is amended as follows:

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

“(6) For entity registration filings made on or after January 1, 2020, the filing shall state the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the entity; or

“(ii) Has the ability to direct the day-to-day operations of the

entity.”.

(2) New paragraphs (7), (8), and (9) are added to read as follows:

“(7) The entity registration filing shall state, for each foreign entity that is identified pursuant to paragraph (6) of this subsection, the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the foreign entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

ENROLLED ORIGINAL

“(i) Controls the financial or operational decisions of the foreign entity; or

“(ii) Has the ability to direct the day-to-day operations of the foreign entity.

“(8) If an entity submits an entity registration filing that does not include the information required by paragraphs (6) or (7) of this subsection, the entity shall not be allowed to register or do business in the District.

“(9) If information required by paragraphs (6) and (7) of this subsection changes at any time after the submission of the entity registration filing, articles of amendment shall be filed to reflect the changes.”.

(b) Section 29-102.11 is amended as follows:

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

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

“(6) For biennial reports made on or after January 1, 2020, the report shall state the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the entity; or

“(ii) Has the ability to direct the day-to-day operations of the entity.”.

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

“(7) The biennial report shall state, for each foreign entity that is identified pursuant to paragraph (6) of this subsection, the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the foreign entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the foreign entity; or

“(ii) Has the ability to direct the day-to-day operations of the foreign entity.

“(8) Submission of a biennial report that does not include the information required by paragraphs (6) and (7) of this subsection shall result in administrative dissolution of a domestic entity pursuant to the process specified under § 29-106.02 or termination of registration of a foreign entity pursuant to the process specified under § 29-105.11.”.

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

## ENROLLED ORIGINAL

“(b) Information in the biennial report shall be current as of the date the report is signed on behalf of the entity. If information in the biennial report changes after the time of report filing, a statement of correction as specified under § 29-102.05 shall be filed to reflect the changes.”.

Sec. 8. Section 6019b(b)(1)(A)(i) of the Lead Service Line Priority Replacement Assistance Act of 2004, effective March 13, 2019 (D.C. Law 22-241; D.C. Official Code § 34-2159(b)(1)(A)(i)), is amended by striking the phrase “median income; and” and inserting the phrase “median income; or” in its place.

Sec. 9. Section 311(a) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)), is amended by adding a new paragraph (3) to read as follows:

“(3) Except for the revenue certified in the approved Fiscal Year 2020 budget for Fiscal Years 2020, 2021, 2022, and 2023, and \$200,000 annually thereafter, which shall be dedicated to the Department of Behavioral Health for prevention and treatment of gambling addiction, all net revenue from sports wagering, whether from taxing licensed retailers, from contracts with vendors operating Office of Lottery and Gaming mobile and web-based sports wagering, or from licensed sports wagering retailers, shall be divided equally between the Early Childhood Development Fund, established by section 11d of the Day Care Policy Act of 1979, passed on emergency basis on December 17, 2019 (Enrolled version of Bill 23-582), and the Neighborhood Safety and Engagement Fund, established by section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, passed on emergency basis on December 17, 2019 (Enrolled version of Bill 23-582).”.

Sec. 10. Title I of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.01 *et seq.*), is amended as follows:

(a) Section 104(b) (D.C. Official Code § 38-785.03(b)) is amended to read as follows:

“(b)(1) Prior to issuance of the Notice, the Mayor shall transmit to the Council a proposed resolution to approve the proposed Notice for a 45-day period of Council review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

“(2) If the Council does not approve the proposed Notice within this 45-day review period, the proposed resolution shall be deemed disapproved.

“(3) If the Council disapproves the proposed resolution, the Council may include recommendations for revisions that should be made to the Notice before it is re-transmitted to the Council for approval.

## ENROLLED ORIGINAL

“(4) Once the Notice is approved by the Council, the Mayor shall issue it within 30 days. The final Notice issued by the Mayor shall be substantially similar to the proposed Notice approved by the Council.”.

(b) Section 105(a)(3) (D.C. Official Code § 38-785.04(a)(3)) is amended as follows:

(1) Strike the phrase “educational improvement” and insert the phrase “school improvement” in its place.

(2) Strike the phrase “education improvement” and insert the phrase “school improvement” in its place.

(c) Section 106 (D.C. Official Code § 38-785.05) is amended as follows:

(1) Subsection (c)(2) is amended by striking the phrase “final research findings by the Partnership” and inserting the phrase “research findings by the Partnership” in its place.

(2) Subsection (d)(1)(A) is amended by striking the phrase “4 months of receiving Advisory Committee feedback” and inserting the phrase “4 months” in its place.

Sec. 11. Section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), is amended as follows:

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

“(2) The term subsequent to the term being served pursuant to:

“(A) Council resolution 21-678 shall begin on July 1, 2019, and expire on June 30, 2021;

“(B) Council resolution 22-73 shall begin on July 1, 2019, and expire on June 30, 2021; and

“(C) Council resolution 22-182 shall begin on July 1, 2020, and expire on June 30, 2021.”.

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

“(b-1) All official actions of the Commission taken by members appointed prior to the effective date of the Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504), are considered to be taken by a properly constituted Commission, regardless of the date of the appointments and length of terms of its members.”.

Sec. 12. Title 47 of the D.C. Official Code is amended as follows:

(a) Section 47-392.02 is amended as follows:

(1) Subsection (j-2)(4) is repealed.

(2) A new subsection (j-5) is added to read as follows:

“(j-5) If at the close of a fiscal year, the District has fully funded the Emergency, Contingency, Fiscal Stabilization, and Cash Flow Reserves, all additional uncommitted amounts in the unrestricted fund balance of the General Fund of the District of Columbia as certified by the Comprehensive Annual Financial Report shall be used for the following purposes:

## ENROLLED ORIGINAL

“(1) 50% shall be deposited in the Housing Production Trust Fund; and

“(2) 50% shall be committed in the General Fund balance for Pay-As-You-Go Capital, to be transferred to the General Capital Improvements Fund upon appropriation to specific capital projects.”.

(b) Section 47-1005.03(b)(3) is amended to read as follows:

“(3)(A) Rents charged to the tenants described in paragraph (1) of this subsection are not in excess of 30% of 80% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant, and rents charged to tenants described in paragraph (2) of this subsection are not in excess of 30% of 120% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant; provided, that the total rent paid to the non-profit landlord for any individual unit shall not exceed the greater of the Housing Choice Voucher Program rent for the submarket in which the property is located or in any submarket immediately adjacent to the property, established annually by the District of Columbia Housing Authority;

“(B) For the purposes of this paragraph, the term “occupancy standard” means, for a:

“(i) Studio/efficiency unit, 1 person;

“(ii) One-bedroom unit, 1.5 persons;

“(iii) Two-bedroom unit, 3.0 persons;

“(iv) Three-bedroom unit, 4.5 persons; and

“(v) Four-bedroom unit, 6 persons.”.

(c) Section 47-4665.06 is amended as follows:

(1) Subsection (a)(13) is amended to read as follows:

“(13) “Property” means a portion of the real property located at 2445 M Street, N.W., known for tax and assessment purposes as Lot 871 in Square 0024, that is subject to real property taxation under Chapter 8 of this title.”.

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

“(2) The lease execution shall occur on or before August 1, 2019.”.

Sec. 13. The Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by adding a new section 2204 to read as follows:

“Sec. 2204. Applicability.

“This act shall apply as of July 22, 2019.”.

Sec. 14. (a) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and Rule 730 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23,

## ENROLLED ORIGINAL

Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), in Fiscal Year 2020, the Mayor, consistent with the approved Fiscal Year 2020 budget, shall award the Historical Society of Washington, D.C. a grant in the amount of \$100,000 to assist with the transition into new space and to facilitate the anticipated increase in visitors.

(b) Section 6 of the Fiscal Year 2020 Budget Support Clarification Temporary Amendment Act of 2019, enacted on December 5, 2019 (D.C. Act 23-175; 66 DCR 16179), is amended to read as follows:

“Sec. 6. Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and Rule 730 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), in Fiscal Year 2020, the Mayor, consistent with the approved Fiscal Year 2020 budget, shall award the Historical Society of Washington, D.C. a grant in the amount of \$100,000 to assist with the transition into new space and to facilitate the anticipated increase in visitors.”.

Sec. 15. Repealers.

(a) Section 4 of the Rental Housing Commission Independence Clarification Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-200; 65 DCR 12066), is repealed.

(b) Section 3 of the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-287; 66 DCR 1650), is repealed.

(c) Section 301 of the Short-Term Rental Regulation Act of 2019, effective April 25, 2019 (D.C. Law 22-307; 66 DCR 898), is repealed.

(d) The Short-Term Rental Zoning Analysis Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

Sec. 16. Applicability.

This act shall apply as of December 30, 2019.

Sec. 17. Fiscal impact statement.

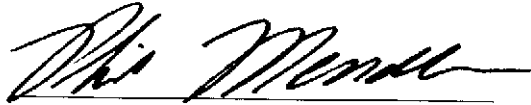
The Council adopts the fiscal impact statement in the committee report for the Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 18. 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

ENROLLED ORIGINAL

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. 813; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia

\_\_\_\_\_  
UNSIGNED

Mayor  
District of Columbia  
January 16, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-202**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 22, 2020**

To amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to provide the Juvenile Services Program of the Public Defender Service for the District of Columbia with access to youth who are in the physical custody of the Department of Youth Rehabilitation Services or otherwise committed to the Department of Youth Rehabilitation Services, or are confined at facilities of the Department of Youth Rehabilitation Services, and to allow the Juvenile Services Program of the Public Defender Service to provide such youth education on legal rights, access to counsel, information, and legal support.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Detained Youth Access to the Juvenile Services Program Amendment Act of 2019”.

Sec. 2. The Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01 *et seq.*), is amended by adding a new section 105a to read as follows:

“Sec. 105a. Juvenile Services Program.

“(a) The Department shall permit the Juvenile Services Program of the Public Defender Service for the District of Columbia (“JSP-PDS”) access to youth in accordance with this section.

“(b) The JSP-PDS shall be able to meet and have contact with youth through in-person communication, telephone calls, and written correspondence in order to provide free legal services to youth including:

“(1) Assistance contacting attorneys and others involved in youths’ court cases;

“(2) Representation of youth in disciplinary hearings;

“(3) Representation of youth in any proceeding at which the Department seeks to place a youth at a more secure level of placement;

“(4) Legal rights orientations for new residents; and

“(5) Assistance filing complaints relating to conditions of confinement.

“(c) The Department shall provide:



ENROLLED ORIGINAL

“(1) The JSP-PDS with dedicated office space at the Youth Services Center, the New Beginnings Youth Development Center, and any similar future secured facility operated by the Department;

“(2) Youth and personnel of the JSP-PDS with confidential access to each other, which shall include confidential:

“(A) Telephone calls;

“(B) Written correspondence; and

“(C) In-person communications; and

“(3) The JSP-PDS personnel with reasonable in-person access, as necessary, to the housing units or other areas of Department facilities where youth are confined; provided, that the Department retains the authority to temporarily restrict or deny access previously granted, at any time, due to institutional needs.

“(d) The dedicated office space provided pursuant to subsection (c)(1) of this section shall include:

“(1) Space for confidential meetings between youth and the JSP-PDS personnel; and

“(2) Electricity and permission for JSP-PDS to have and maintain its own internet connection for JSP-PDS operated and managed computers, telephones, and electronic equipment.

“(e) The JSP-PDS personnel may not use electronic equipment such as cell phones and computers within Department housing units unless otherwise permitted by the Department or by court order.”.

Sec. 3. Fiscal impact statement.

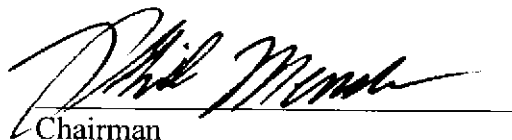
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D. C. Official Code § 1-301.47a).

Sect. 4. Effective date.

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

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

January 16, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-203**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 23, 2020**

To amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, the Advisory Neighborhood Councils Act of 1975, the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, the Day Care Policy Act of 1979, the Neighborhood Engagement Achieves Results Amendment Act of 2016, Title 29 of the D.C. Official Code, the Lead Service Line Priority Replacement Assistance Act of 2004, the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, the Commission on the Arts and Humanities Act, Title 47 of the D.C. Official Code, and the Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019 to clarify provisions supporting the Fiscal Year 2020 budget; and to provide for the award of a grant in the amount of \$100,000 from the Mayor to the Historical Society of Washington, D.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019”.

Sec. 2. Section 108c(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 10, 2019 (D.C. Law 22-313; D.C. Official Code § 1-301.88f(a)), is amended by striking the phrase “grants not to exceed the total amount of \$360,000 for” and inserting the phrase “grants for” in its place.

Sec. 3. Section 16(j)(3) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(j)(3)), is amended to read as follows:

“(3)(A)(i) If a Commission has failed to timely file 2 or more quarterly reports approved by the OANC, the Commission shall forfeit the allotments associated with the most recent untimely quarterly report and shall forfeit additional allotments until the Commission files the required reports.

## ENROLLED ORIGINAL

“(ii) If a Commission had not received a quarterly allotment by the last day of the fiscal year because it failed to file a quarterly allotment approved by the OANC, the Commission shall forfeit the unclaimed allotment or allotments.

“(iii) All funds forfeited pursuant to this paragraph shall return to the District’s General Fund.

“(B) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not apply to the failure to file quarterly reports covering periods prior to the 2020 fiscal year.”.

Sec. 4. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding a new subsection (g) to read as follows:

“(g) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2020, the Deputy Mayor for Planning and Economic Development shall award a grant to assist with capital improvements and related facility maintenance, and general operating expenses for a theatre that is a National Center for Latino Performing Arts, located in the District-owned Tivoli Building, in an amount not to exceed \$1 million.”.

Sec. 5. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended by adding a new section 11d to read as follows:

“Sec. 11d. Early Childhood Development Fund.

“(a) There is established as a special fund the Early Childhood Development Fund (“Fund”), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

“(b) Fifty percent of all net revenue collected pursuant to section 311(a)(3) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)(3)), shall be deposited into the Fund.

“(c) Money in the Fund shall be used to support the cost of care and the teacher salary scale increases as set forth in section 11b.

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

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

Sec. 6. Section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413), is revived and amended to read as follows:

“Sec. 103. Neighborhood Safety and Engagement Fund.

ENROLLED ORIGINAL

“(a) There is established as a special fund the Neighborhood Safety and Engagement Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Fifty percent of all net revenue collected pursuant to section 311(a)(3) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)(3)), shall be deposited into the Fund.

“(c) Money in the Fund shall only be used to support the duties of the Office of Neighborhood Safety and Engagement as described in section 101(b).

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

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

Sec. 7. Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-102.01(a) is amended as follows:

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

“(6) For entity registration filings made on or after January 1, 2020, the filing shall state the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the entity; or

“(ii) Has the ability to direct the day-to-day operations of the

entity.”.

(2) New paragraphs (7), (8), and (9) are added to read as follows:

“(7) The entity registration filing shall state, for each foreign entity that is identified pursuant to paragraph (6) of this subsection, the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the foreign entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the foreign

entity; or

“(ii) Has the ability to direct the day-to-day operations of the

foreign entity.

## ENROLLED ORIGINAL

“(8) If an entity submits an entity registration filing that does not include the information required by paragraphs (6) or (7) of this subsection, the entity shall not be allowed to register or do business in the District.

“(9) If information required by paragraphs (6) and (7) of this subsection changes at any time after the submission of the entity registration filing, articles of amendment shall be filed to reflect the changes.”.

(b) Section 29-102.11 is amended as follows:

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

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

“(6) For biennial reports made on or after January 1, 2020, the report shall state the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the entity; or

“(ii) Has the ability to direct the day-to-day operations of the

entity.”.

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

“(7) The biennial report shall state, for each foreign entity that is identified pursuant to paragraph (6) of this subsection, the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the foreign entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the foreign

entity; or

“(ii) Has the ability to direct the day-to-day operations of the

foreign entity.

“(8) Submission of a biennial report that does not include the information required by paragraphs (6) and (7) of this subsection shall result in administrative dissolution of a domestic entity pursuant to the process specified under § 29-106.02 or termination of registration of a foreign entity pursuant to the process specified under § 29-105.11.”.

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

“(b) Information in the biennial report shall be current as of the date the report is signed on behalf of the entity. If information in the biennial report changes after the time of report filing, a statement of correction as specified under § 29-102.05 shall be filed to reflect the changes.”.

## ENROLLED ORIGINAL

Sec. 8. Section 6019b(b)(1)(A)(i) of the Lead Service Line Priority Replacement Assistance Act of 2004, effective March 13, 2019 (D.C. Law 22-241; D.C. Official Code § 34-2159(b)(1)(A)(i)), is amended by striking the phrase “median income; and” and inserting the phrase “median income; or” in its place.

Sec. 9. Section 311(a) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)), is amended by adding a new paragraph (3) to read as follows:

“(3) Except for the revenue certified in the approved Fiscal Year 2020 budget for Fiscal Years 2020, 2021, 2022, and 2023, and \$200,000 annually thereafter, which shall be dedicated to the Department of Behavioral Health for prevention and treatment of gambling addiction, all net revenue from sports wagering, whether from taxing licensed retailers, from contracts with vendors operating Office of Lottery and Gaming mobile and web-based sports wagering, or from licensed sports wagering retailers, shall be divided equally between the Early Childhood Development Fund, established by section 11d of the Day Care Policy Act of 1979, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504), and the Neighborhood Safety and Engagement Fund, established by section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504).”.

Sec. 10. Title I of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.01 *et seq.*), is amended as follows:

(a) Section 104(b) (D.C. Official Code § 38-785.03(b)) is amended to read as follows:

“(b)(1) Prior to issuance of the Notice, the Mayor shall transmit to the Council a proposed resolution to approve the proposed Notice for a 45-day period of Council review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

“(2) If the Council does not approve the proposed Notice within this 45-day review period, the proposed resolution shall be deemed disapproved.

“(3) If the Council disapproves the proposed resolution, the Council may include recommendations for revisions that should be made to the Notice before it is re-transmitted to the Council for approval.

“(4) Once the Notice is approved by the Council, the Mayor shall issue it within 30 days. The final Notice issued by the Mayor shall be substantially similar to the proposed Notice approved by the Council.”.

(b) Section 105(a)(3) (D.C. Official Code § 38-785.04(a)(3)) is amended as follows:

(1) Strike the phrase “educational improvement” and insert the phrase “school improvement” in its place.

(2) Strike the phrase “education improvement” and insert the phrase “school

## ENROLLED ORIGINAL

improvement” in its place.

(c) Section 106 (D.C. Official Code § 38-785.05) is amended as follows:

(1) Subsection (c)(2) is amended by striking the phrase “final research findings by the Partnership” and inserting the phrase “research findings by the Partnership” in its place.

(2) Subsection (d)(1)(A) is amended by striking the phrase “4 months of receiving Advisory Committee feedback” and inserting the phrase “4 months” in its place.

Sec. 11. Section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), is amended as follows:

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

“(2) The term subsequent to the term being served pursuant to:

“(A) Council resolution 21-678 shall begin on July 1, 2019, and expire on June 30, 2021;

“(B) Council resolution 22-73 shall begin on July 1, 2019, and expire on June 30, 2021; and

“(C) Council resolution 22-182 shall begin on July 1, 2020, and expire on June 30, 2021.”.

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

“(b-1) All official actions of the Commission taken by members appointed prior to the effective date of the Fiscal Year 2020 Budget Support Clarification Amendment Act 2019, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504), are considered to be taken by a properly constituted Commission, regardless of the date of the appointments and length of terms of its members.”.

Sec. 12. Title 47 of the D.C. Official Code is amended as follows:

(a) Section 47-392.02 is amended as follows:

(1) Subsection (j-2)(4) is repealed.

(2) A new subsection (j-5) is added to read as follows:

“(j-5) If at the close of a fiscal year, the District has fully funded the Emergency, Contingency, Fiscal Stabilization, and Cash Flow Reserves, all additional uncommitted amounts in the unrestricted fund balance of the General Fund of the District of Columbia as certified by the Comprehensive Annual Financial Report shall be used for the following purposes:

“(1) 50% shall be deposited in the Housing Production Trust Fund; and

“(2) 50% shall be committed in the General Fund balance for Pay-As-You-Go Capital, to be transferred to the General Capital Improvements Fund upon appropriation to specific capital projects.”.

(b) Section 47-1005.03(b)(3) is amended to read as follows:

“(3)(A) Rents charged to the tenants described in paragraph (1) of this subsection are not in excess of 30% of 80% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant, and



## ENROLLED ORIGINAL

rents charged to tenants described in paragraph (2) of this subsection are not in excess of 30% of 120% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant; provided, that the total rent paid to the non-profit landlord for any individual unit shall not exceed the greater of the Housing Choice Voucher Program rent for the submarket in which the property is located or in any submarket immediately adjacent to the property, established annually by the District of Columbia Housing Authority;

“(B) For the purposes of this paragraph, the term “occupancy standard” means, for a:

- “(i) Studio/efficiency unit, 1 person;
- “(ii) One-bedroom unit, 1.5 persons;
- “(iii) Two-bedroom unit, 3.0 persons;
- “(iv) Three-bedroom unit, 4.5 persons; and
- “(v) Four-bedroom unit, 6 persons.”.

(c) Section 47-4665.06 is amended as follows:

(1) Subsection (a)(13) is amended to read as follows:

“(13) “Property” means a portion of the real property located at 2445 M Street, N.W., known for tax and assessment purposes as Lot 871 in Square 0024, that is subject to real property taxation under Chapter 8 of this title.”.

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

“(2) The lease execution shall occur on or before August 1, 2019.”.

Sec. 13. The Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by adding a new section 2204 to read as follows:

“Sec. 2204. Applicability.

“This act shall apply as of July 22, 2019.”.

Sec. 14. Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and Rule 730 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), in Fiscal Year 2020, the Mayor, consistent with the approved Fiscal Year 2020 budget, shall award the Historical Society of Washington, D.C. a grant in the amount of \$100,000 to assist with the transition into new space and to facilitate the anticipated increase in visitors.

Sec. 15. Repealers.

(a) Section 4 of the Rental Housing Commission Independence Clarification Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-200; 65 DCR 12066), is repealed.

ENROLLED ORIGINAL

(b) Section 3 of the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-287; 66 DCR 1650), is repealed.

(c) Section 301 of the Short-Term Rental Regulation Act of 2019, effective April 25, 2019 (D.C. Law 22-307; 66 DCR 898), is repealed.

(d) The Short-Term Rental Zoning Analysis Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

(e) Section 6 of the Fiscal Year 2020 Budget Support Clarification Temporary Amendment Act of 2019, enacted on December 5, 2019 (D.C. Act 23-175; 66 DCR 16179), is repealed.

Sec. 16. Applicability.

This act shall apply as of October 1, 2019.

Sec. 17. 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. 18. Effective date.

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

Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
January 16, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-204**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 27, 2020**

To amend, on a temporary basis, the District of Columbia Election Code of 1955 to allow candidates to be listed on the ballot for presidential primary elections who have complied with the candidate qualification rules of a political party.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Primary Election Filing Requirement Temporary Amendment Act of 2020".

Sec. 2. Section 5(b)(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(b)(2)), is amended to read as follows:

“(2) No person shall be listed on the ballot as a candidate for nomination for President in such presidential primary election unless:

“(A) No later than 90 days before the date of such presidential primary election, there shall have been filed with the Board a petition on behalf of the person signed by at least 1,000, or 1%, whichever is fewer, of the qualified electors of the District who are registered under section 7, and are of the same political party as the nominee; or

“(B) The person has complied with the rules of the political party to be listed on the ballot, and if the party rules provide for candidate qualification by means other than gathering petition signatures as described in subparagraph (A) of this paragraph, the political party shall certify to the Board no later than 24 hours after the date that is 90 days before the date of such presidential primary election the names of candidates for nomination who have qualified by such means.”.

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).

**ENROLLED ORIGINAL**

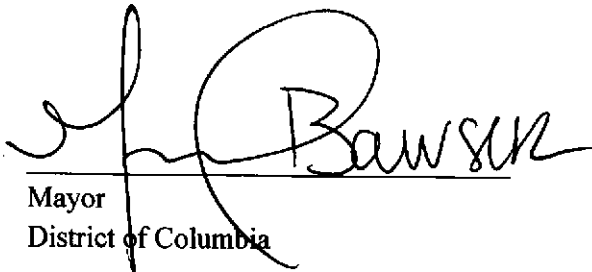
Sec. 4. Effective date.

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 27, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-205**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 27, 2020**

To approve, on an emergency basis, Modification Nos. M023, M023A, and M023B, and proposed Modification No. M024 to Contract No. DCRL-2016-C-0004 with Far Southeast Family Strengthening Collaborative to provide community-based child welfare services during option year 4, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCRL-2016-C-0004 with Far Southeast Family Strengthening Collaborative Approval and Payment Authorization Emergency Act of 2020".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. M023, M023A, and M023B, and proposed Modification No. M024 to Contract No. DCRL-2016-C-0004 with Far Southeast Family Strengthening Collaborative to provide community-based child welfare services and authorizes payment in the total not-to-exceed amount of \$2,868,875.24 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

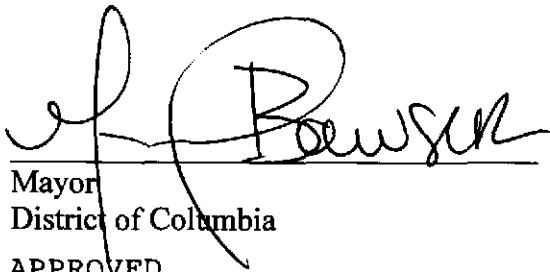
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 27, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-206**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 27, 2020**

To approve, on an emergency basis, Modification No. M027 and proposed Modification No. M028 to Contract No. DCRL-2016-C-0001 with Collaborative Solutions for Communities to provide community-based child welfare services during option year 4, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCRL-2016-C-0001 with Collaborative Solutions for Communities Approval and Payment Authorization Emergency Act of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M027 and proposed Modification No. M028 to Contract No. DCRL-2016-C-0001 with Collaborative Solutions for Communities to provide community-based child welfare services and authorizes payment in the total not-to-exceed amount of \$2,104,327.68 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective Date.

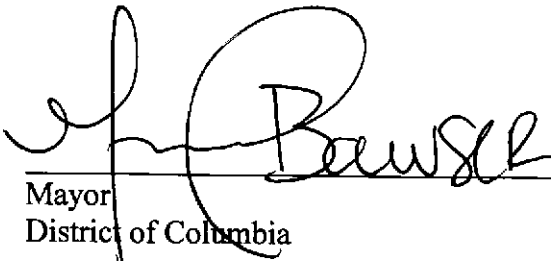
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

**ENROLLED ORIGINAL**

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 27, 2020



ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-207**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 27, 2020**

To amend, on an emergency basis, due to congressional review, An Act To create a Department of Corrections in the District of Columbia to limit the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sanctuary Values Congressional Review Emergency Amendment Act of 2020”.

Sec. 2. Section 7 of An Act To create a Department of Corrections in the District of Columbia, effective December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07), is amended to read as follows:

“Sec. 7. Prohibition on cooperation with federal immigration agencies.

“(a) Absent a judicial warrant or order, issued by a federal judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, that authorizes a federal immigration agency to take into custody the person who is the subject of such warrant or order, the District of Columbia shall not:

“(1) Hold an individual in the District’s custody after that individual would have been otherwise released, except as provided in section 2a(c)(6);

“(2) Except as provided in Intergovernmental Agreement No. 16-00-0016, entered into between the Department of Corrections and the United States Marshals Service, provide to a federal immigration agency an individual’s date and time of release, location, address, or criminal case information;

“(3) Provide to any federal immigration agency an office, booth, or any facility or equipment for a generalized search of or inquiry about an individual in the District’s custody;

“(4) Permit any federal immigration agency to interview an individual in the District’s custody without giving the individual an opportunity to have counsel present; or

“(5) Except as provided in Intergovernmental Agreement No. 16-00-0016, entered into between the Department of Corrections and the United States Marshals Service, grant any federal immigration agency access to a District detention facility, including St. Elizabeths Hospital

ENROLLED ORIGINAL

or a facility under the control of the Department of Corrections or the Department of Youth Rehabilitation Services, for the purpose of releasing an individual into federal custody.

“(b) The District shall not inquire into the immigration status of an individual in its custody.

“(c) Nothing in this section shall be construed to establish a right to counsel that does not otherwise exist in law.

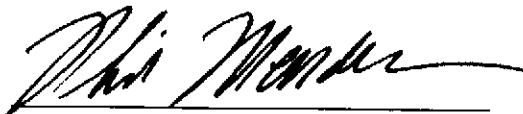
“(d) Nothing in this section shall be construed to create a private right of action.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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  
January 27, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-325

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$375 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 Howard University 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 “Howard University Revenue Bonds Project 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 Howard University, a nonprofit corporation incorporated under the laws of the United States of America, and 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 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.

## ENROLLED ORIGINAL

(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 (The Howard University Issue) Series 2011A, originally issued in the aggregate principal amount of \$225,250,000 pursuant to provisions of the Howard University Revenue Bond Project Approval Resolution of 2011, effective March 1, 2011 (Res. 19-46; 58 DCR 2351);

(B) The demolition, construction, renovation, and equipping of a steam plant located on the Borrower's campus located at 2240 6th Street, N.W., Washington D.C., 20059, together with the associated utility distribution system and other associated improvements to land, buildings, structures, machinery, equipment, furnishing, or other real or personal property related thereto, in each case in a manner designed to promote and support the functions of the Borrower and the Borrower's students;

(C) Funding certain working capital costs, to the extent financeable;

(D) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund; and

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

Sec. 3. Findings.

The Council finds that:

## ENROLLED ORIGINAL

(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 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 pursuant to a plan of finance, in an aggregate principal amount not to exceed \$375 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 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 \$375 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,

## ENROLLED ORIGINAL

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

**ENROLLED ORIGINAL**

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

## ENROLLED ORIGINAL

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



**ENROLLED ORIGINAL**

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

## ENROLLED ORIGINAL

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, as amended, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), 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 Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

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Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

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

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

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

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

- |         |  |
|---------|--|
| B23-618 | Capital Pride Alliance Grant and Equitable Forgiveness Amendment Act of 2020<br><br>Intro. 1-17-20 by Councilmember Evans and referred to the Committee on Business and Economic Development                     |
| <hr/>   |  |
| B23-619 | Lafayette-Pointer Park and Lafayette-Pointer Recreation Center Designation Act of 2020<br><br>Intro. 1-21-20 by Councilmember Todd and referred to the Committee of the Whole                                    |
| <hr/>   |  |
| B23-620 | Department of Consumer and Regulatory Affairs Fiscal Streamlining Amendment Act of 2020<br><br>Intro. 1-21-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole       |
| <hr/>   |  |
| B23-623 | Condominium Warranty Claims Clarification Amendment Act of 2020<br><br>Intro. 1-22-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization |
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B23-624 Impervious Area Charge Water Utility Consumer Protection Fund Act of 2020  
Intro. 1-24-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

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B23-627 Public Housing Preservation and Tenant Protection Amendment Act of 2020  
Intro. 1-27-20 by Councilmembers Nadeau, T. White, Grosso, Todd, Silverman, R. White, Allen, and Cheh and referred to the Committee on Housing and Neighborhood Revitalization

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### **PROPOSED RESOLUTIONS**

PR23-655 Board of Directors of the Washington Metrorail Safety Commission Victoria Wassmer Confirmation Resolution of 2020  
Intro. 1-17-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement

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PR23-656 Board of Directors of the Washington Metrorail Safety Commission Robert Bobb Confirmation Resolution of 2020  
Intro. 1-17-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement

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PR23-657 Alcoholic Beverage Control Board Ed Grandis Confirmation Resolution of 2020  
Intro. 1-17-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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PR23-658 Public Charter School Board James Sandman Confirmation Resolution of 2020  
Intro. 1-17-20 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole

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PR23-660      Urban Renewal Plan for the Shaw School Urban Renewal Area and  
Downtown Urban Renewal Area Termination Approval Resolution of 2020

Intro. 1-24-20 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee of the Whole

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PR23-661      Washington Latin Public Charter School Revenue Bonds Project Approval  
Resolution of 2020

Intro. 1-24-20 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Business and Economic Development

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
 ABBREVIATED NOTICE OF PUBLIC HEARINGS  
 AGENCY PERFORMANCE OVERSIGHT HEARINGS  
 FISCAL YEAR 2019-2020**

1/28/2020

**SUMMARY**

January 6, 2020 to March 6, 2020	Agency Performance Oversight Hearings on Fiscal Year 2019-2020
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February 5, 2020	Committee of the Whole Public Briefing on the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR) at 1:30 p.m. in Room 500
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The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2019 and FY 2020. The hearings will begin Monday, January 6, 2020 and conclude on Friday, March 6, 2020 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's performance oversight hearing schedule, please contact the committee of interest.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the relevant Committee office of the need as soon as possible, but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days, may not be fulfilled and alternatives may be offered.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
1/22/2020	1/8/2020	Office of Nightlife and Culture (Gov Ops); Room 412 - 10:00 a.m.
1/29/2020	1/23/2020	Joint Hearing with Committee on Human Services and Committee on Housing and Neighborhood Revitalization; Room 412 - 10:00 a.m.
1/31/2020	N/A	Mayor's Commission on Healthcare Systems Transformation (Health); Room 500 - 10:00 a.m.
2/10/2020	2/6/2020	Housing Finance Agency (Housing); Room 500 - 11:00 a.m.
2/11/2020	2/7/2020	Committee on Human Services; Room 412 - 10:00 a.m.
2/13/2020	1/9/2020	Office of the Attorney General (Judiciary & Public Safety); Room 412 - 9:30 a.m.
2/18/2020	N/A	Committee on Human Services - Hearing for Public Testimony on agencies under the purview of Human Services @ R.I.S.E Center - 2730 Martin Luther King Jr. Avenue, SE - 6:00 p.m.
2/19/2020	2/26/2020	Executive Office of the Mayor and Office of the Senior Advisor (Gov Ops); Room 120 - 1:00 p.m.
2/24/2020	2/26/2020	Committee on Business and Economic Development; Room 123 - 10:00 a.m.
2/25/2020	2/27/2020	Metropolitan Washington Airports Authority (COW); Room 412 - 11:00 a.m.
3/5/2020	1/30/2020	Metropolitan Police Department ( <b>Government Witnesses Only</b> ); Judiciary & Public Safety; Room 123 - 9:30 a.m.



**PUBLIC HEARING SCHEDULE**

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>WEDNESDAY, JANUARY 8, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office on Women's Policy and Initiatives
	Office of Cable Television, Film, Music and Entertainment

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, JANUARY 9, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Office of Neighborhood Safety and Engagement
	Comprehensive Homicide Elimination Strategy Task Force
	Deputy Mayor for Public Safety and Justice

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>THURSDAY, JANUARY 9, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Public Works
	Food Policy Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, JANUARY 15, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([roberts@dccouncil.us](mailto:roberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>WEDNESDAY, JANUARY 15, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:15 a.m. - End	District of Columbia Health Benefit Exchange Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>THURSDAY, JANUARY 16, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, JANUARY 16, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Office of Police Complaints
	Metropolitan Police Department ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>THURSDAY, JANUARY 16, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 11:45 a.m.	Office of the Inspector General
	Office of Risk Management
	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, JANUARY 22, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Office of the People's Counsel
	Public Service Commission
	Public Access Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>WEDNESDAY, JANUARY 22, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Nightlife and Culture
	Office of Administrative Hearings
	Office of Human Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, JANUARY 23, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 - 3:00 p.m. - End	Fire and Emergency Medical Services Department
	Office of Unified Communications

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>MONDAY, JANUARY 27, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Bicycle Advisory Council
	Pedestrian Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>TUESDAY, JANUARY 28, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Housing and Community Development ( <b>Public Witnesses Only</b> )
	Housing Production Trust Fund ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>WEDNESDAY, JANUARY 29, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	State Board of Education
	Office of the Ombudsman
	Office of the Student Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**JOINT HEARING WITH COMMITTEE ON HUMAN SERVICES & COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION** Chairperson Brianne Nadeau  
Chairperson Anita Bonds

WEDNESDAY, JANUARY 29, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Department of Human Services Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** Chairperson Charles Allen

THURSDAY, JANUARY 30, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - 5:00 p.m.	Corrections Information Council Department of Corrections

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON FACILITIES AND PROCUREMENT** Chairperson Robert C. White, Jr.

THURSDAY, JANUARY 30, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Office of Advisory Neighborhood Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON HEALTH** Chairperson Vincent Gray

FRIDAY, JANUARY 31, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Mayor's Commission on Healthcare Systems Transformation Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS** Chairperson Trayon White, Jr.

MONDAY, FEBRUARY 3, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.

**COMMITTEE OF THE WHOLE** Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 5, 2020; COUNCIL CHAMBER (Room 500)	
Time	Subject
1:30 p.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2019 Comprehensive Annual Financial Report (CAFR)

**COMMITTEE ON FACILITIES AND PROCUREMENT** Chairperson Robert C. White, Jr.

THURSDAY, FEBRUARY 6, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Returning Citizen Affairs Commission on Re-Entry and Returning Citizen Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** Chairperson Mary Cheh

THURSDAY, FEBRUARY 6, 2020; Room 412	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles Deputy Mayor for Operations and Infrastructure

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>THURSDAY, FEBRUARY 6, 2020; Room 123</b>	
Time	Agency
10:00 a.m. - End	Rental Housing Commission
	Office of Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 6, 2020; Room 120</b>	
Time	Agency
9:30 a.m. - 5:00 p.m.	District of Columbia National Guard
	Department of Forensic Sciences
	Office of the Chief Medical Examiner/Fatality Review Committees
	Homeland Security and Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>MONDAY, FEBRUARY 10, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Housing Finance Agency
	Department of Housing and Community Development (Gov't Witnesses Only)
	Housing Production Trust Fund (Gov't Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>TUESDAY, FEBRUARY 11, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
	Office of Veterans' Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>TUESDAY, FEBRUARY 11, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, FEBRUARY 12, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 12, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education
	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>WEDNESDAY, FEBRUARY 12, 2020; Room 123</b>	
Time	Agency
9:30 a.m. - 5:00 p.m.	Board of Elections
	Office of Campaign Finance
	Board of Ethics and Government Accountability

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>THURSDAY, FEBRUARY 13, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Office of Contracting and Procurement
	Contract Appeals Board

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 13, 2020; Room 412</b>	
Time	Agency
9:30 a.m. - 3:00 p.m.	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	District of Columbia Sentencing Commission
	Criminal Code Reform Commission
	Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>THURSDAY, FEBRUARY 13, 2020; Room 123</b>	
Time	Agency
10:00 a.m. - End	Office of Latino Affairs
	Office on African Affairs
	Office on African American Affairs
	Office on Asian and Pacific Islander Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>TUESDAY, FEBRUARY 18, 2020; R.I.S.E Center DC</b>	
Time	Agency
6:00 p.m. - End	Hearing for Public Testimony on agencies under the purview of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>WEDNESDAY, FEBRUARY 19, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 19, 2020; Room 412</b>	
Time	Agency
11:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS** **Chairperson Trayon White, Jr.**

<b>WEDNESDAY, FEBRUARY 19, 2020; Room 123</b>	
Time	Agency
10:00 a.m. - End	Commission on Fathers, Men, and Boys
	The Office for East of the River Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.



**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>WEDNESDAY, FEBRUARY 19, 2020; Room 120</b>	
Time	Agency
1:00 p.m. - End	Executive Office of the Mayor Office of the Senior Advisor

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>THURSDAY, FEBRUARY 20, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools ( <b>Gov't Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>THURSDAY, FEBRUARY 20, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>FRIDAY, FEBRUARY 21, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Office of Human Resources Office of Labor Relations and Collective Bargaining

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-8835.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS** **Chairperson Trayon White, Jr.**

<b>FRIDAY, FEBRUARY 21, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>MONDAY, FEBRUARY 24, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Metropolitan Washington Council of Governments New Columbia Statehood Commission Events DC Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>MONDAY, FEBRUARY 24, 2020; Room 123</b>	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>TUESDAY, FEBRUARY 25, 2020; Room 412</b>	
Time	Agency
11:00 a.m. - End	Metropolitan Washington Airports Authority Office of Zoning Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso  
Chairman Phil Mendelson**

<b>WEDNESDAY, FEBRUARY 26, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:30 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>WEDNESDAY, FEBRUARY 26, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the City Administrator
	Secretary of the District of Columbia
	Mayor's Office of Legal Counsel

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON FACILITIES & PROCUREMENT**

**Chairperson Robert C. White, Jr.**

<b>THURSDAY, FEBRUARY 27, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>THURSDAY, FEBRUARY 27, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Auditor
	Office of Budget and Planning
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>THURSDAY, FEBRUARY 27, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	DC Water
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 27, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Clemency Board
	Criminal Justice Coordinating Council
	Office of Victim Services and Justice Grants

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>WEDNESDAY, MARCH 4, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Employment Services ( <b>Public Witnesses Only</b> )
	Workforce Investment Council ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

WEDNESDAY, MARCH 4, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Real Estate Commission
	Board of Real Estate Appraisers
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

WEDNESDAY, MARCH 4, 2020; Room 123	
Time	Agency
10:00 a.m. - End	DC Lottery and Charitable Games
	Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([roberts@dccouncil.us](mailto:roberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

THURSDAY, MARCH 5, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	University of the District of Columbia
	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cw@dccouncil.us](mailto:cw@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

THURSDAY, MARCH 5, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	Not-For-Profit Hospital Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

THURSDAY, MARCH 5, 2020; Room 123	
Time	Agency
9:30 a.m. - 5:00 p.m.	Metropolitan Police Department (Gov't Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

FRIDAY, MARCH 6, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Gov't Witnesses Only)
	Workforce Investment Council (Gov't Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

FRIDAY, MARCH 6, 2020; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.



**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE ON EDUCATION  
NOTICE OF JOINT PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**REVISED**

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
&  
COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCE A JOINT PUBLIC HEARING**

On

B23-0488, the “Student Activity Fund Theatrical and Music Performance Expenditures Act of 2019;”

B23-0569, the “District of Columbia Public Schools Family and School Community Fundraising Equity Act of 2019;”

And

B23-0365, the “Critical Risk Rate School Funding Designation Act of 2019;”

On

**Tuesday, March 10, 2020  
11:00 A.M., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint public hearing of the Committee of the Whole and the Committee on Education on B23-0488, the “Student Activity Fund Theatrical and Music Performance Expenditures Act of 2019;” B23-0569, the “District of Columbia Public Schools Family and School Community Fundraising Equity Act of 2019;” and B23-0365, the “Critical Risk Rate School Funding Designation Act of 2019.” The hearing will be held on Tuesday, March 10, 2020 at 11:00 A.M. in room 412 of the John A. Wilson Building.

The stated purpose of B23-0488 is to establish that expenditures on school-administered theatrical and music performances shall be an allowable expenditure from a school's Student Activity Fund. Theatrical and music performances include the planning, rehearsal, or presentation of a musical, staged play, choral production, orchestral or band concert, variety show, improvised or sketch comedy performance, or other live performance. The stated purpose of B23-0569 is to establish reporting requirements and limitations on soliciting and allocating

funds for fundraising by family or school community organizations, including parent teacher organizations, parent teacher student organizations, and home school associations. It also establishes guidelines for redistributing funds. The stated purpose of B23-0365 is to create a new category to allow for additional funding to schools that have an at-risk student population of 70 percent and above.

Those who wish to testify may sign-up online at [bit.do/EducationHearings](http://bit.do/EducationHearings) or call the Committee on Education at (202) 724-8061 by 5:00 P.M. on Friday, March 6, 2020. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements should be submitted by email to Ashley Strange, Committee Assistant, at [astrange@dccouncil.us](mailto:astrange@dccouncil.us), or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 P.M. on Tuesday, March 24, 2020.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform Education Committee of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

*This revised notice reflects the change in time from 10:00 A.M. to 11:00 A.M.*

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE AND  
COMMITTEE ON EDUCATION  
NOTICE OF JOINT PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**REVISED & ABBREVIATED**

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
&  
COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCE A JOINT PUBLIC HEARING**

On

B23-0496, the “Fair Access to Selective High Schools Amendment Act of 2019”

On

**Monday, February 10, 2020  
1:30 P.M., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Chairman Phil Mendelson and Councilmember David Grosso announce the scheduling of a joint public hearing of the Committee of the Whole and the Committee on Education on B23-0496, the “Fair Access to Selective High Schools Amendment Act of 2019.” The hearing will be held on Monday, February 10, 2020 at 1:30 P.M. in room 412 of the John A. Wilson Building.

The stated purpose of B23-0496 is to require the State Superintendent of Education and public schools and public charter schools to provide 7th grade students with information about the application criteria and admissions process for citywide selective high schools. It allows the top 15% of 8th grade students in every public school or public charter school to apply to citywide selective high schools. It prohibits the consideration of standardized test scores in its application criteria.

Those who wish to testify may sign-up online at [bit.do/EducationHearings](http://bit.do/EducationHearings) or call the Committee on Education at (202) 724-8061 by 5:00 P.M. on Thursday, February 6. Persons wishing to testify are encouraged, but not required, to submit 10-15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements should be submitted by email to Ashley Strange, Committee Assistant, at [astrange@dccouncil.us](mailto:astrange@dccouncil.us), or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania

Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 P.M. on Monday, February 24.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform Education Committee of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

*This revised notice reflects the change in time from 10:00 A.M. to 1:30 P.M. and is abbreviated to provide proper notice to the public.*

**COUNCIL OF THE DISTRICT OF COLUMBIA  
 NOTICE OF PUBLIC HEARINGS  
 FISCAL YEAR 2021 PROPOSED BUDGET AND FINANCIAL PLAN,  
 FISCAL YEAR 2021 BUDGET SUPPORT ACT OF 2020,  
 FISCAL YEAR 2021 LOCAL BUDGET ACT OF 2020  
 FISCAL YEAR 2021 FEDERAL BUDGET ACT OF 2020, AND  
 COMMITTEE MARK-UP SCHEDULE**

1/28/2020

**SUMMARY**

March 19, 2020	Mayor Transmits the Fiscal Year 2021 Proposed Budget and Financial Plan
March 20, 2020	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2021 Proposed Budget and Financial Plan
March 23, 2020 to April 9, 2020	Committee Public Hearings on the "Fiscal Year 2021 Local Budget Act of 2020." (The Committees may also simultaneously receive testimony on sections of the Fiscal Year 2021 Budget Support Act that affect the agencies under each Committee's purview)
April 20, 2020	Committee of the Whole Public Hearing on the "Fiscal Year 2021 Local Budget Act of 2020", "Fiscal Year 2021 Federal Budget Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020."
April 21 - 23, 2020	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2021
April 29, 2020	Budget Work Session 10:00 a.m.
May 13, 2020	Committee of the Whole and Council consideration of the "Fiscal Year 2021 Local Budget Act of 2020", "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"
May 27, 2020	Council Consideration of the "Fiscal Year 2021 Local Budget Act of 2020" and the "Fiscal Year 2021 Federal Portion Budget Request Act of 2020"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2020 Proposed Budget and Financial Plan, the "Fiscal Year 2021 Local Budget Act of 2020", "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020". The hearings will begin Monday, March 23, 2020 and conclude on Thursday, April 9, 2020 and will take place in the Council Chamber (Room 500), Room 412, Room 123 or Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The Committee mark-ups will begin Tuesday, April 21, 2020 and conclude on Thursday, April 23, 2020 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the corresponding committee office. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearings and mark-up schedule please contact the committee of interest.

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the relevant Committee office of the need as soon as possible, but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days, may not be fulfilled and alternatives may be offered.

**ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE**

<b><u>New Date</u></b>	<b><u>Original Date</u></b>	<b><u>Hearing</u></b>
3/31/2020	3/26/2020	Deputy Mayor for Education - Public Witnesses Only (Education & COW); Room 500 - 9:30 a.m.
4/1/2020	N/A	Deputy Mayor for Education - Gov't Witnesses Only (Education & COW); Room 412 - 9:30 a.m.
4/7/2020	4/2/2020	Commission on the Arts and Humanities (COW); Room 123 - 1:30 p.m.

**PUBLIC HEARING SCHEDULE**

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>FRIDAY, MARCH 20, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2020 Proposed Budget and Financial Plan

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>MONDAY, MARCH 23, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	District of Columbia Health Benefit Exchange Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>MONDAY, MARCH 23, 2020; Room 412</b>	
Time	Agency
10:30 a.m. - End	Council of the District of Columbia
	District of Columbia Auditor
	Office of Budget and Planning
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>MONDAY, MARCH 23, 2020; Room 123</b>	
Time	Agency
11:00 a.m. - End	State Board of Education
	Office of the Ombudsman
	Office of the Student Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>TUESDAY, MARCH 24, 2020; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
9:30 a.m. - End	Office of Neighborhood Safety and Engagement
	Deputy Mayor for Public Safety and Justice
	Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>TUESDAY, MARCH 24, 2020; Room 412</b>	
Time	Agency
10:00 a.m. - End	Office of Advisory Neighborhood Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>TUESDAY, MARCH 24, 2020; Room 123</b>	
Time	Agency
10:30 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE OF GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>TUESDAY, MARCH 24, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the City Administrator
	Executive Office of the Mayor
	Office of the Senior Advisor
	Office of the Secretary

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>WEDNESDAY, MARCH 25, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Rental Housing Commission
	Housing Finance Agency
	Office of the Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MARCH 25, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - End	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cw@dccouncil.us](mailto:cw@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>WEDNESDAY, MARCH 25, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 3:00 p.m.	District of Columbia Sentencing Commission
	Criminal Code Reform Commission
	Department of Corrections

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>WEDNESDAY, MARCH 25, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE OF GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>THURSDAY, MARCH 26, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the Inspector General
	Office of Risk Management
	Office of Human Rights
	Office of Administrative Hearings

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, MARCH 26, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - End	Department of Forensic Sciences
	Homeland Security and Emergency Management Agency
	Metropolitan Police Department ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.



**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE**

**Chairperson David Grosso  
Chairman Phil Mendelson**

THURSDAY, MARCH 26, 2020; Room 123	
Time	Agency
11:00 a.m. - End	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON FACILITIES AND PROCUREMENT**

**Chairperson Robert C. White, Jr.**

THURSDAY, MARCH 26, 2020; Room 120	
Time	Agency
10:00 a.m. - End	Office of Returning Citizen Affairs Commission on Re-Entry and Returning Citizen Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

FRIDAY, MARCH 27, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles Deputy Mayor for Operations and Infrastructure

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

FRIDAY, MARCH 27, 2020; Room 412	
Time	Agency
10:00 a.m. - End	Office of Employee Appeals ( <b>Combined Performance Oversight &amp; Budget Hearings</b> ) Public Employees Relations Board ( <b>Combined Performance Oversight &amp; Budget Hearings</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

MONDAY, MARCH 30, 2020; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Employment Services ( <b>Public Witnesses Only</b> ) Workforce Investment Council ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

MONDAY, MARCH 30, 2020; Room 412	
Time	Agency
10:30 a.m. - End	University of District of Columbia Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cw@dccouncil.us](mailto:cw@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

MONDAY, MARCH 30, 2020; Room 123	
Time	Agency
3:00 p.m. - End	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>MONDAY, MARCH 30, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>TUESDAY, MARCH 31, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - End	District of Columbia Public Schools ( <b>Public Witnesses Only</b> )
	Deputy Mayor for Education ( <b>Public Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>TUESDAY, MARCH 31, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>TUESDAY, MARCH 31, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Metropolitan Police Department ( <b>Gov't Witnesses Only</b> )
	Office of Police Complaints

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>TUESDAY, MARCH 31, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Contracting and Procurement
	Contract Appeals Board

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, APRIL 1, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE** **Chairperson David Grosso**  
**Chairman Phil Mendelson**

<b>WEDNESDAY, APRIL 1, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - End	District of Columbia Public Schools ( <b>Gov't Witnesses Only</b> )
	Deputy Mayor for Education ( <b>Gov't Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS** **Chairperson Trayon White, Jr.**

<b>WEDNESDAY, APRIL 1, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	The Office for East of the River Services
	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.

**COMMITTEE OF GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>WEDNESSAY, APRIL 1, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Latino Affairs Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON FACILITIES AND PROCUREMENT** **Chairperson Robert C. White, Jr.**

<b>THURSDAY, APRIL 2, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: [facilities@dccouncil.us](mailto:facilities@dccouncil.us) or by calling 202-741-8593.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>THURSDAY, APRIL 2, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>THURSDAY, APRIL 2, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:30 a.m. - End	Metropolitan Washington Council of Governments New Columbia Statehood Commission Events DC

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, APRIL 2, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 8:00 p.m.	Board of Elections Office of Campaign Finance Board of Ethics and Government Accountability

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>FRIDAY, APRIL 3, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Aging and Community Living

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE OF GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>FRIDAY, APRIL 3, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Asian and Pacific Islander Affairs Office of African Affairs Office of African American Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>FRIDAY, APRIL 3, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Employment Services ( <b>Gov't Witnesses Only</b> )
	Workforce Investment Council ( <b>Gov't Witnesses Only</b> )

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>FRIDAY, APRIL 3, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>MONDAY, APRIL 6, 2019; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>MONDAY, APRIL 6, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	Not-for-Profit Hospital Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>MONDAY, APRIL 6, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>MONDAY, APRIL 6, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON RECREATION AND YOUTH AFFAIRS** **Chairperson Trayon White, Jr.**

<b>TUESDAY, APRIL 7, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
1:30 p.m. - End	Commission on Fathers, Men and Boys
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming ([nfleming@dccouncil.us](mailto:nfleming@dccouncil.us)) or by calling 202-727-7903.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>TUESDAY, APRIL 7, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
1:30 p.m. - 5:30 p.m.	Fire and Emergency Medical Services Department
	Office of Unified Communications

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>TUESDAY, APRIL 7, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
1:30 p.m. - End	Commission on the Arts & Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>WEDNESDAY, APRIL 8, 2020; COUNCIL CHAMBER (500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	DC Lottery and Charitable Games Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>WEDNESDAY, APRIL 8, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Housing and Community Development Housing Production Trust Fund

Persons wishing to testify about the performance of any of the foregoing agencies may contact: [housing@dccouncil.us](mailto:housing@dccouncil.us) or by calling 202-724-8198.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>WEDNESDAY, APRIL 8, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
1:00 p.m. - End	Office of Labor Relations and Collective Bargaining Office of Human Resources

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-8835.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>WEDNESDAY, APRIL 8, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
9:30 a.m. - 5:00 p.m.	Office of the Chief Medical Examiner Criminal Justice Coordinating Council Office of Victim Services and Justice Grants

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>THURSDAY, APRIL 9, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron ([mcameron@dccouncil.us](mailto:mcameron@dccouncil.us)) or by calling 202-654-6179.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**

**Chairperson Mary Cheh**

<b>THURSDAY, APRIL 9, 2020; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT**

**Chairperson Kenyan McDuffie**

<b>THURSDAY, APRIL 9, 2020; Room 123</b>	
<b>Time</b>	<b>Agency</b>
1:00 p.m. - End	Alcoholic Beverage Regulation Administration Office of People's Counsel Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Justin Roberts ([jroberts@dccouncil.us](mailto:jroberts@dccouncil.us)) or by calling 202-724-8053.

**COMMITTEE OF GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>THURSDAY, APRIL 9, 2020; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Cable Television, Film, Music and Entertainment
	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6663.

**COMMITTEE OF THE WHOLE**

**Chairman Phil Mendelson**

<b>MONDAY, APRIL 20, 2020; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Committee of the Whole Hearing on the "Fiscal Year 2021 Local Budget Act of 2020," "Fiscal Year 2021 Federal Portion Budget Request Act of 2020" and the "Fiscal Year 2021 Budget Support Act of 2020"



**COMMITTEE MARK-UP SCHEDULE**

**TUESDAY, APRIL 21, 2020; COUNCIL CHAMBER (Room 500)**

<b>Time</b>	<b>Committee</b>
1:00 p.m. - 2:30 p.m.	Committee on Health
2:30 p.m. - 4:00 p.m.	Committee on Recreation and Youth Affairs
4:00 p.m. - 5:30 p.m.	Committee on Facilities and Procurement

**WEDNESDAY, APRIL 22, 2020; COUNCIL CHAMBER (Room 500)**

<b>Time</b>	<b>Committee</b>
10:30 a.m. - Noon	Committee on Human Services
Noon - 1:30 p.m.	Committee on Housing and Neighborhood Revitalization
1:30 p.m. - 3:00 p.m.	Committee on Labor and Workforce Development
3:00 p.m. - 4:30 p.m.	Committee on Government Operations

**THURSDAY, APRIL 23, 2020; COUNCIL CHAMBER (Room 500)**

<b>Time</b>	<b>Committee</b>
10:00 a.m. - 11:30 a.m.	Committee on Business & Economic Development
11:30 a.m. - 1:00 p.m.	Committee on Transportation and the Environment
1:00 p.m. - 2:30 p.m.	Committee on the Judiciary
2:30 p.m. - 4:00 p.m.	Committee on the Education
4:00 p.m. - 5:30 p.m.	Committee of the Whole

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Grant Budget Modifications**

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

A GBM will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a GBM will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of the GBMs are available in the Legislative Services Division, Room 10.  
Telephone: 724-8050

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**GBM 23-64:** FY 2020 Grant Budget Modifications of January 6, 2020

RECEIVED: 14-day review begins January 28, 2020



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of reprogrammings are available in Legislative Services, Room 10.  
Telephone: 724-8050

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**Reprog. 23-73:** Request to reprogram \$571,000 of Fiscal Year 2020 Special Purpose Revenue funds from the Department of General Services to the District of Columbia Public Schools was filed in the Office of the Secretary on January 24, 2020. This reprogramming is needed to cover school security and custodial costs.

RECEIVED: 14-day review begins January 27, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 31, 2020
Protest Petition Deadline: March 16, 2020
Roll Call Hearing Date: March 30, 2020

License No.: ABRA-113805
Licensee: Eye Street Pubs, LLC
Trade Name: Blackfinn
License Class: Retailer's Class "C" Tavern
Address: 1620 I Street, N.W.
Contact: Steven Ryan, Managing Member: (202) 429-4350

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 30, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF OPERATION

Licensee is applying for a Sports Wagering substantial change. Establishment will have no physical devices on site. Wagering/bets will take place on multiple mobile applications.

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

Sunday - Thursday 11am - 2am
Friday and Saturday 11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
1/31/2020

Notice is hereby given that:

License Number: ABRA-093572

License Class/Type: C Tavern

Applicant: Kat, LLC

Trade Name: Cloud Restaurant & Lounge Sports Bar

ANC: 1B02

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

1919 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
3/16/2020

A HEARING WILL BE  
3/30/2020

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 6 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 6 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 6 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 6 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 6 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 6 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 6 am	11 am - 3 am	6 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
1/31/2020

Notice is hereby given that:

License Number: ABRA-110702

License Class/Type: C Tavern

Applicant: Empire DC, LLC

Trade Name: Empire Lounge

ANC: 1B02

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

1909 9TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR

3/16/2020

Hours of

Entertainment

A HEARING WILL BE

3/30/2020

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

ENDORSEMENT(S): Cover Charge Entertainment

Days	Hours of Operation	Hours of Sales/Service	
Sunday:	10 am - 2 am	10 am - 2 am	8 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	8 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	8 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	8 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	8 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	8 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	8 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*READVERTISEMENT**

Placard Posting Date: \*\*January 31, 2020  
Protest Petition Deadline: \*\*March 16, 2020  
Roll Call Hearing Date: \*\*March 30, 2020

License No.: ABRA-107078  
Licensee: 713 Partners, LLC  
Trade Name: Finn McCool’s  
License Class: Retailer’s Class “C” Restaurant  
Address: 713 8<sup>th</sup> Street, S.E.  
Contact: William Sport: (202) 846-7728

WARD 6                      ANC 6B                      SMD 6B03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on \*\*March 30, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Class Change from a Retailer Class “C” Restaurant to a Retailer Class “C” Tavern.

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

Sunday 10am – 2am, Monday through Friday 8am – 2am, Saturday 8am – 3am

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

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

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND FOR THE SIDEWALK CAFÉ**

Sunday through Thursday 6pm – 1am, Friday and Saturday 6pm – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: \*\*January 17, 2020  
Protest Petition Deadline: \*\*March 2, 2020  
Roll Call Hearing Date: \*\*March 16, 2020

License No.: ABRA-107078  
Licensee: 713 Partners, LLC  
Trade Name: Finn McCool’s  
License Class: Retailer’s Class “C” Restaurant  
Address: 713 8<sup>th</sup> Street, S.E.  
Contact: William Sport: (202) 846-7728

WARD 6                      ANC 6B                      SMD 6B03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on \*\*March 16, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Class Change from a Retailer Class “C” Restaurant to a Retailer Class “C” Tavern.

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

Sunday 10am – 2am, Monday through Friday 8am – 2am, Saturday 8am – 3am

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

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

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND FOR THE SIDEWALK CAFÉ**

Sunday through Thursday 6pm – 1am, Friday and Saturday 6pm – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 31, 2020
Protest Petition Deadline: March 16, 2020
Roll Call Hearing Date: March 30, 2020
Protest Hearing Date: May 20, 2020

License No.: ABRA-116185
Licensee: Laoban Dumplings, LLC
Trade Name: Laoban Dumplings
License Class: Retailer's Class "C" Tavern
Address: 1309 5th Street, N.E.
Contact: Candace M. Fitch, Esq: (202) 258-8634

WARD 5

ANC 5D

SMD 5D01

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 30, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 20, 2020 at 4:30 p.m.

NATURE OF OPERATION

New Retailer's Class "C" Tavern located inside of a market space serving Asian dumplings. Applicant is applying for a Summer Garden Endorsement with 64 seats. Total seating inside is 16 with a Total Occupancy Load of 99 for the shared market space.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND SUMMER GARDEN)

Sunday through Thursday 11am - 8pm
Friday and Saturday 11am - 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
1/31/2020

Notice is hereby given that:

License Number: ABRA-106785

License Class/Type: C Tavern

Applicant: Hope Lounge, LLC

Trade Name: Medusa Lounge

ANC: 1B03

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

2632 GEORGIA AVE NW, #2, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
3/16/2020

A HEARING WILL BE  
3/30/2020

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Monday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Tuesday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Wednesday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Thursday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Friday:	6 am - 3 am	8 am - 3 am	11 am - 3 am
Saturday:	6 am - 3 am	8 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 31, 2020
Protest Petition Deadline: March 16, 2020
Roll Call Hearing Date: March 30, 2020
Protest Hearing Date: May 20, 2020

License No.: ABRA-115778
Licensee: Fishcraft Poke DC LLC
Trade Name: Poke Papa
License Class: Retailer's Class "C" Restaurant
Address: 806 H Street, N.W.
Contact: Kerry Chao: (424) 234-1567

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 30, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 20, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 34 and Total Occupancy Load of 40.

HOURS OF OPERATION

Sunday through Saturday 10:30am – 10pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 11am – 9:30pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 31, 2020
Protest Petition Deadline: March 16, 2020
Roll Call Hearing Date: March 30, 2020

License No.: ABRA-114131
Licensee: Roy Boys 2, LLC
Trade Name: Roy Boys
License Class: Retailer's Class "C" Restaurant
Address: 1025 1st Street, S.E.
Contact: David Faeder: (202) 750-0273

WARD 6 ANC 6D SMD 6D02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on March 30, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Change of Hours for the inside of the premises only.

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

Sunday 11:30am - 10pm, Monday through Thursday 11:30am - 1am
Friday and Saturday 11:30am - 2am

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

Sunday through Thursday 8am - 2am, Friday and Saturday 8am - 3am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: January 31, 2020  
Protest Petition Deadline: March 16, 2020  
Roll Call Hearing Date: March 30, 2020  
Protest Hearing Date: May 20, 2020

License No.: ABRA-116203  
Licensee: Bubble T & Stick, LLC  
Trade Name: Sticx  
License Class: Retailer's Class "C" Restaurant  
Address: 1728 Wisconsin Avenue, N.W.  
Contact: Stephen J. O'Brien, Esq: (202) 625-7700

WARD 2

ANC 2E

SMD 2E02

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 30, 2020 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 20, 2020 at 1:30 p.m.**

**NATURE OF OPERATION**

New Retailer's Class "C" Restaurant specializing in Southeast Asian cuisine. Total seating inside is 26 with a Total Occupancy Load of 30.

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

Sunday through Thursday 11:30am – 11pm

Friday and Saturday 11:30am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 31, 2020
Protest Petition Deadline: March 16, 2020
Roll Call Hearing Date: March 30, 2020
Protest Hearing Date: May 20, 2020

License No.: ABRA-114180
Licensee: CAV400KSTREET, LLC
Trade Name: Toscana Market
License Class: Retailer's Class "C" Restaurant
Address: 400 K Street, N.W.
Contact: Jeff Jackson, Agent: (202) 251-1566

WARD 6

ANC 6E

SMD 6E05

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 30, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on May 20, 2020 at 1:30 p.m.

NATURE OF OPERATION

New Retailer's Class "C" Restaurant serving Italian cuisine with handmade pasta and original Italian ingredients. Applicant is applying for a Sidewalk Cafe Endorsement with 25 seats. Total seating inside is 60 with a Total Occupancy Load of 70.

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

Sunday through Thursday 10am - 2am
Friday and Saturday 10am - 3am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SIDEWALK CAFE)

Sunday through Thursday 11am - 11pm
Friday and Saturday 11am - 1am

**DEPARTMENT OF HEALTH****STATE HEALTH PLANNING AND DEVELOPMENT AGENCY****NOTICE OF PUBLIC HEARING**

Pursuant to 22-B DCMR § 4302.1, the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold a public hearing on Children's Hospital (Certificate of Need Registration No. 19-5-12) for the establishment of pediatric lung transplant services.

The hearing will be held on Wednesday, February 5, 2020, beginning at 10:00 a.m., at 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Room 6002, Washington, D.C. 20002.

Testimony from affected persons will be received at the hearing. Comments may be submitted in writing before the hearing, or they may be presented at the hearing orally or in writing. Written statements may also be submitted to the SHPDA, 899 North Capitol Street, N.E., Sixth Floor, Washington, D.C. 20002, until 4:45 p.m. on Wednesday, February 12, 2020 before the record closes. The referenced application is available at the SHPDA for review.

Persons who wish to testify should contact the SHPDA on (202) 442-5875 before 4:45 p.m., by Tuesday, February 4, 2020. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, MARCH 25, 2020  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**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**

20223            **Application of Bernard Berry**, pursuant to 11 DCMR Subtitle X,  
ANC 6E            Chapter 9, for a special exception under Subtitle E § 5201 from the lot  
                         occupancy requirements of Subtitle E § 304.1 to construct a three-story  
                         principal dwelling unit, with a cellar level and roof deck pool in the  
                         RF-1 Zone at premises 509 O Street, N.W. (Square 479, Lot 818).

**WARD FIVE**

20225            **Application of Rula Malky**, pursuant to 11 DCMR Subtitle X,  
ANC 5C            Chapter 9, for a special exception under Subtitle F § 5201 from the rear  
                         yard requirements of Subtitle F § 305.1, and pursuant to Subtitle X,  
                         Chapter 10, for a variance from the lot occupancy requirements of  
                         Subtitle F § 304.1, to construct a rear deck addition to an existing  
                         attached principal dwelling unit in the RA-1 Zone at premises 3235  
                         Fort Lincoln Drive N.E. (Square 4325, Lot 1025).

**WARD FIVE**

20227            **Application of Andrew Lewczyk**, pursuant to 11 DCMR Subtitle X,  
ANC 5E            Chapter 9, for a special exception under Subtitle D § 5201 from the  
                         rear yard requirements of Subtitle D § 306.2, and pursuant to 11  
                         DCMR Subtitle X, Chapter 10, for an area variance from the lot  
                         occupancy requirements of Subtitle D § 304.1, to construct a second-  
                         story rear addition to an existing, attached principal dwelling unit in the  
                         R-3 Zone at premises 227 Douglas Street N.E. (Square 3553, Lot 97).

**WARD SIX**

20229  
ANC 6A      **Application of David and Grace Kelly**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse requirements of Subtitle C § 1500.4, and under Subtitle C §1504.1 from the penthouse setback requirement of Subtitle C §1502.1 (c)(1)(A) and 1502.1 (c)(5), to construct a penthouse and guardrails on top of the third floor addition to an existing attached principal dwelling unit in the RF-1 Zone at premises 906 11th Street N.E. (Square 957, Lot 20).

**WARD ONE**

20230  
ANC 1A      **Application of The Abdool Shaeed Akhran Revocable Trust**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 205.5 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle E § 303.3 from the height requirements of Subtitle E § 303.1, to construct a new attached three-story flat in the RF-1 Zone at premises 3230 13th Street N.W. (Square 2843, Lot 84).

**WARD FIVE**

20231  
ANC 5B      **Application of Bernard Veuthey and Cora M. Shaw**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the side yard requirements of Subtitle D § 206.2, to replace the existing building with a two-story detached principal dwelling unit in the R-1-B Zone at premises 3115 15th Street N.E. (Square 4014, Lot 32).

**WARD THREE**

20233  
ANC 3E      **Application of Erin Carroll**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1 to construct a one-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 4810 48th Street N.W. (Square 1491, Lot 41).

**WARD FIVE**

20235  
ANC 5E      **Application of Bryant Phase 1-E, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 909.4 from the loading requirements of Subtitle C § 908.1 and 908.3, to construct a seven-story mixed use building in the MU-7 Zone at premises 600 Rhode Island Avenue, N.E. (Square 3629, Lot 819).

**WARD FIVE**

20236            **Application of Bryant Phase 1-B, LLC**, pursuant to 11 DCMR  
ANC 5E           Subtitle X, Chapter 9, for a special exception under Subtitle C § 909.4  
                      from the loading requirements of Subtitle C § 908.1 and 908.3, to  
                      construct a two-story movie theater building in the MU-7 Zone at  
                      premises 620-640 Rhode Island Avenue, N.E. (Square 3629, Lot 816).

PLEASE NOTE:

**Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board, pursuant to Subtitle Y § 600.4.**

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. 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. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?  
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። 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](mailto:Zelalem.Hill@dc.gov)。这些是免费提供的服务。

*French*

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

*Korean*

참여하시는데 도움이 필요하세요?

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

*Spanish*

¿Necesita ayuda para participar?

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

*Vietnamese*

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

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

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

**FREDERICK L. HILL, CHAIRPERSON  
LESYLLEE M. WHITE, MEMBER  
LORNA L. JOHN, MEMBER  
CARLTON HART, VICE-CHAIRPERSON,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

**TIME AND PLACE:** **Thursday, March 19, 2020, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing**  
**Room 441 4<sup>th</sup> Street, N.W., Suite 220**  
**Washington, D.C. 20001**

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

**Z.C. Case No. 19-17 (Atlas MLK, LLC & 3715 MLK, LLC – Map Amendment @ 3703 Martin Luther King Jr. Avenue, S.E. (Square 6070, Lot 50), 3705 Martin Luther King Jr. Avenue, S.E. (Square 6070, Lot 51), 3707 Martin Luther King Jr. Avenue, S.E. (Square 6070, Lot 52), and 3715 Martin Luther King Jr. Avenue, S.E., (Square 6070, Lot 48))**

**THIS CASE IS OF INTEREST TO ANC 8C**

On August 8, 2019, Atlas MLK, LLC & 3715 MLK, LLC (collectively, the “Applicant”) filed an application (the “Application”) requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve a Zoning Map amendment from the MU-3A zone to the MU-4 zone for Lots 48 and 50-52 in Square 6070 (collectively, the “Properties”). The Properties consists of approximately 34,330 square feet of land area along the western side of Martin Luther King Jr. Avenue, S.E. The Properties are currently improved with institutional and commercial buildings, including the Unity of Love Praise Temple (3703 MLK), Fort Carroll Market (3705 MLK), and two office buildings (3707 and 3715 MLK). Abutting the Properties to the north are a mix of residential apartment buildings, flats, and one-family dwellings, all zoned R-2. Abutting the Properties to the south and west is unzoned, undeveloped land. The Properties are presently zoned MU-3A and part of a small group of properties zoned MU-3A on both sides of Martin Luther Kings Jr. Avenue, S.E. in the immediately surrounding area.

The existing MU-3A zone is intended to permit low-density mixed-use development; and provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact surrounding residential development. The MU-3A zone allows for a maximum floor area ratio (“FAR”) of 1.0 (1.2 for developments subject to Inclusionary Zoning (“IZ”), a maximum building height, not including penthouse, of 40 feet and three stories, and a maximum lot occupancy of 60%.

The proposed MU-4 zone is intended to permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. The MU-4 zone allows a maximum FAR of 2.5 (3.0 for IZ developments) of which a maximum of 1.5 may be devoted to non-residential uses, a maximum building height, not including penthouse, of 50 feet

with no limit on the number of stories, and a maximum lot occupancy of 60% (75% for IZ developments).

On September 12, 2019, the Office of Planning filed a report (the “OP Setdown Report”) recommending that the Commission setdown the Application for a public hearing. The OP Setdown Report concluded that the Application’s proposed map amendment would not be inconsistent with the Comprehensive Plan, which designates the Properties as low-density commercial on the Future Land Use Map (the “FLUM”), and as within a Neighborhood Commercial Center on the General Policy Map.

At its October 21, 2019, public meeting, the Commission voted to set down the Application for a public hearing as a contested case.

The Applicant submitted its prehearing submission on December 31, 2019.

The complete record in the case, including the Applicant’s filings and the OP Setdown Report, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>

This public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4 of the Zoning Regulations (Title 11, Zoning Regulations of 2016, of the District of Columbia Municipal Regulations).

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

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning (“OZ”) of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

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

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive

Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zsubmissions@dc.gov](mailto:zsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission.

**How to participate as a party.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING**Stormwater Management and Soil Erosion and Sediment Control Amendments**

The Director of the Department of Energy and Environment (DOEE), under the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2019 Supp.)); Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl. & 2019 Supp.)); and Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the adoption of the following amendments to Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

DOEE's adoption of the final rule comes after publication of a proposed rule in the February 15, 2019, issue of the *D.C. Register* (at 66 DCR 2142). DOEE has closely reviewed all of the comments that were received on the proposed rule during the forty-five (45)-day public comment period and is finalizing the amendments.

The 2013 Stormwater Rule is achieving its intended objectives, setting the District on a long-term path to reducing stormwater runoff so District streams and rivers can once again become fishable and swimmable without inhibiting the development that provides valuable benefits to the District. Approximately 825 projects have been successfully designed in compliance with the regulations, designing runoff-reducing green infrastructure that will capture stormwater from approximately 850 acres of the District, while the annual average number of development projects increased by approximately twenty percent (20%).

Though the regulations have generally achieved DOEE's intent, compliance has been a disproportionate burden for certain types of projects. DOEE's primary regulatory focus in developing the 2013 Stormwater Rule was on development, meaning relatively large new and renovated buildings and parking lots. For these projects, the cost to design and install runoff-reducing green infrastructure is small relative to the total project cost. However, for projects with a relatively low total project cost, the cost to achieve stormwater compliance can be relatively high. This includes single- and two-family affordable houses, projects to install or maintain athletic playing fields, trails for walking and biking, small structures such as picnic shelters at parks, and landscaping maintenance. DOEE also recognizes that these projects provide a public benefit and does not want to create disincentives to completing them. The proposed rulemaking provides compliance flexibility and exemptions to these projects for which compliance with the 2013 Stormwater Rule is a disproportionate burden.

To address the disproportionate burden of compliance, DOEE will finalize definition changes and exemptions to address single- and two-family affordable housing, athletic playing fields, permeable athletic tracks, permeable play areas trails, small structures at parks, and landscaping maintenance. Based on prior projects, DOEE estimates that the amendments may reduce the regulated area draining to best management practices (BMPs) on future Stormwater Management

Plans (SWMPs) by five percent (5%), with the largest portion of the reduction (approximately four percent (4%)) coming from the exemption for athletic playing fields, permeable athletic tracks, and permeable play areas. DOEE notes that for athletic playing fields, permeable athletic tracks, and permeable play areas, these surfaces must be either turf grass or permeable surfaces that are similar in design to permeable pavement. DOEE also expects that the Practicable approach described below will limit the possible reduction in area managed for future SWMPs submitted for single- and two-family affordable housing, trails, and small structures at parks.

DOEE is also finalizing changes to provide additional compliance flexibility and to maximize the water quality outcomes achieved by the Stormwater Retention Credit (SRC) program. In modifying the rules of the SRC program, a guiding principle for DOEE has been to increase the flexibility and ease to comply off-site, improve water quality outcomes, and avoid changing the rules of the program for SRC generators who have already invested in green infrastructure (GI). The SRC market has evolved as a tool for compliance flexibility since DOEE first started exploring off-site compliance flexibility in 2010 and when DOEE first enacted off-site compliance flexibility in 2013. DOEE's considerations when first establishing the program were in part based on the need to establish an initial supply of SRCs in a first-of-its-kind market while simultaneously balancing compliance flexibility and incentives to restore water quality. Now that DOEE has established a functional SRC market with ample supply of SRCs for developers to purchase, DOEE believes it is appropriate to re-evaluate and refine the SRC market rules. This will help the District to achieve its water quality goals and comply with the Clean Water Act in a way that is cost-effective to its ratepayers and taxpayers.

In the five and a half years since DOEE started approving projects under the 2013 Stormwater Rule, DOEE has approved over 100 projects to satisfy at least a portion of their stormwater management performance requirement off-site. When these sites comply with their Off-Site Retention Volume (Offv) obligations, the greatest water quality benefit is achieved when they use SRCs from new, voluntarily-installed GI in the Municipal Separate Storm Sewer System (MS4). When MS4 sites purchase SRCs from Combined Sewer System (CSS) sites, this reduces the rate of GI installation in the MS4. When CSS sites purchase MS4 SRCs, this increases the rate of GI installation in the MS4. Despite the fact that there has been enough SRC supply to satisfy one hundred percent (100%) of SRC demand, DOEE has noted that sixty-nine percent (69%) of SRCs purchased over the last twelve (12) months were CSS SRCs. This is a primary component of DOEE's determination to amend the SRC program to require that sites in the MS4 must use SRCs from the MS4.

The total Offv approved by DOEE is approximately 680,000 gallons, of which approximately 365,000 are from sites located in the MS4 and 315,000 are from sites located in the CSS. Assuming constant rates of off-site compliance, if DOEE allows sites in the MS4 to purchase CSS SRCs, this has the potential to reduce the pace of GI construction in the MS4 by approximately 1.5 acres per year. Therefore, DOEE's regulatory amendment to require sites in the MS4 to use SRCs from the MS4 is aimed at preventing this potential loss. DOEE also expects that, assuming constant rates of off-site compliance, if sites in the CSS choose to purchase SRCs from new, voluntary GI in the MS4, this could increase the pace of GI construction in the MS4 by approximately 1.3 acres per year. Additionally, by allowing greater off-site compliance flexibility for projects in the CSS area draining to storage tunnels, DOEE has

the potential to increase the pace of GI installation in the MS4. For example, if fifty percent (50%) of these projects choose to comply entirely through the use of SRCs from new, voluntary GI in the MS4, this has the potential to increase the pace of GI installation in the MS4 by as much as 4.5 acres per year.

Below, DOEE is summarizing the comments that were received, DOEE's comment responses, and any differences between the proposed rule and the final rule. For convenience, DOEE is summarizing comments by topic and subtopic, rather than by commenter. If multiple similar comments were submitted, DOEE is summarizing these as a single comment. Each comment is followed by DOEE's response to that comment. After the response to each comment on a given topic, DOEE is also summarizing its determinations in response to the comments and noting changes between the proposed and final rules. For some comments, DOEE determined that additional amendments would be appropriate. DOEE will address those changes through a separate rulemaking.

The comments are organized by topic in the following order:

1. Definition Changes and Exemptions
  - a. Single- and two-family affordable houses
  - b. Athletic playing field, permeable tracks, and permeable play areas
  - c. Small structures at parks and pedestrian trails
  - d. Definition changes
  - e. General comments
  - f. DOEE determinations
2. Additional compliance flexibility with the on-site retention requirement for projects that drain to the combined sewer system
3. Requirements to achieve off-site compliance outside the combined sewer system
4. SRC eligibility cutoff date
5. Other comments related to the SRC program
6. Fees
7. Other comments

## **1. Definition Changes and Exemptions**

The following comment summaries are grouped by subject matter as follows:

- a. Single- and Two-Family Affordable Houses
  - b. Athletic Playing Fields, Permeable Tracks, and Permeable Play Areas
  - c. Small Structures at Parks and Pedestrian Trails
  - d. Definition Changes
  - e. General Comments about Definition Changes and Exemptions
  - f. DOEE Determinations
- 
- a. Comments: Single- and Two-Family Affordable Houses



- DOEE received comments regarding the potential applicability of this exemption to other types of projects. Some commenters requested that the affordable housing exemption be extended to multifamily housing, nonprofit projects, and single- and two-family houses that are not constructed as affordable houses. Other commenters expressed concern about this exemption. Some of these commenters requested that DOEE not extend the exemption to other types of projects.

DOEE Response: While it is environmentally beneficial for these single- and two-family house affordable housing projects to install GI, DOEE has observed that there is a disproportionate compliance burden for these sites due to site constraints, small project budgets, and the disproportionate impact on the low-income buyers of these properties of ongoing off-site compliance. It is important to clarify that the exemption proposed by DOEE still requires that single- and two-family affordable houses submit a SWMP if they are constructed as part of a project that triggers the 5,000 square foot threshold of the regulations. However, after maximizing all feasible on-site options for stormwater management, the exemption allows DOEE to approve the project without requiring off-site compliance to reduce the inequitable impact of ongoing off-site compliance.

For other types of projects (such as multi-family affordable housing, nonprofit properties, and single- and two-family houses that are not constructed as affordable housing), DOEE does not believe that the three factors of site constraints, small budgets, and inequitable impact of ongoing off-site compliance are all present. Therefore, DOEE is not extending this provision to these other types of projects.

- DOEE received various comments and requests for clarification about the implementation of the provisions for single- and two-family affordable houses, including:
  - How would DOEE ensure the exemption is only awarded when appropriate?
  - How does this affect rented properties?
  - How does this work if some properties are affordable and some are not?
  - How will DOEE review the eligibility of the site based on site conditions, usability, and practicability?
  - How will DOEE track/verify property sales?
  - Are projects in compliance at the time of plan approval, or is a compliance determination pending until the time of sale?
  - How is proof of income submitted?
  - If a developer receives the exemption and sells the property to someone with an income higher than eighty percent (80%) of AMI, who is responsible for off-site compliance?

DOEE Response: Below is further clarification of how DOEE intends to implement these provisions.

First, regarding applicability of the exemption, the exemption will be available only to single- and two-family houses that are constructed as affordable housing (for example Department of Housing and Community Development projects, Habitat for Humanity). The exemption is not something that should be sought (and would not be awarded by DOEE) unless the developer intends to sell the house below market value to a purchaser whose household income is less than eighty percent (80%) of AMI. Additionally, the exemption is only available for owner-occupied properties. Finally, the exemption is awarded for individual properties, rather than for the entire project. This means that if some of the lots are constructed as affordable housing, those properties could receive the exemption but other properties constructed as part of the same project that are not constructed as affordable housing would not receive the exemption.

Second, regarding review of the exemption, DOEE's intention had been to review requests following the process described for Relief from Extraordinarily Difficult Site Conditions, as described in Appendix E of the Stormwater Management Guidebook (<http://doee.dc.gov/swguidebook>), which DOEE has been using since implementing the 2013 Stormwater Rule. However, DOEE will instead introduce a new appendix to the Stormwater Management Guidebook to describe a Practicable review process for single- and two-family affordable houses. Specifically for this exemption, DOEE will consider the minimum contributing drainage area (CDA) for stormwater best management practice (BMP) effectiveness and impact of BMPs on indoor and outdoor living space when reviewing relief requests.

Third, regarding tracking, DOEE intends to track these sites using the Submittal Database. For comparison, DOEE already uses the Submittal Database to track Offv obligations and to determine when to correspond with property owners regarding Offv compliance. DOEE will use a similar process to track and implement this exemption. DOEE's regulations already require that changes in ownership must be reported to DOEE. DOEE's submittal database is also integrated with the Office of Tax and Revenue Real Property database, which DOEE will use to confirm property sales and periodically check that proper notifications and purchaser income verifications have been provided through the submittal database. If these are not submitted, then DOEE will contact the property owner to request income verification, which will be provided to DOEE through the submittal database.

Fourth, regarding responsibility for Offv in the event that this is not achieved, DOEE will require the approved Stormwater Management Plan to state the full retention requirement for the site, including the retention being achieved on site and the off-site retention requirement that would apply for a purchaser whose income is above the 80% AMI threshold. Similarly, DOEE will require the Declaration of Covenants for the property, filed with the Recorder of Deeds, to state the requirements associated with this exemption, including a calculation of

the Off-Site Retention Volume that will be required for the owner if they do not meet the income requirements. DOEE will consider the project to be in compliance at the time of plan approval. Post-construction, if the income verification is not provided, DOEE intends to require off-site compliance. DOEE does not intend to verify income levels again until a subsequent purchaser acquires the property. Offv compliance would be the responsibility of the current owner, as stated in the recorded Declaration of Covenants.

- DOEE received comments requesting slight variations to the proposed exemption, including:
  - A comment stating that “below market value” may be an insufficient definition of affordable housing because there may be expensive houses that are sold below market value while still being unaffordable to someone with a low household income.
  - A comment requesting consideration of the DHCD inclusionary zoning price schedule.
  - A request that DOEE use the language “shall require” instead of “may require” when describing DOEE’s actions to require full compliance if the owner fails to provide proof that the household income is less than 80% of AMI.
  - A request for more nuance in the review process, without offering specific suggestions.

DOEE Response: The definition of affordable housing used in the proposed rule describes the house as being built for sale as affordable housing and requires the purchaser’s income to be less than 80% of AMI. This income threshold is commonly used for affordable housing projects in the District. DOEE believes the definition is sufficient to clarify the circumstances under which a property and its purchaser are eligible for this exemption from compliance with the Off-Site Retention Volume requirement for the property.

If the owner fails to provide income documentation, or does not otherwise meet the income requirements, DOEE has the authority to require full compliance. However, DOEE believes it is important to preserve DOEE’s ability to exercise discretion about how DOEE enforces the requirement for individual sites. Therefore, DOEE believes the term “may require” is appropriate.

Regarding nuance in the review process, DOEE believes that the process described in § 518 and § 526 is sufficient. This process will still require stormwater management when practicable, while allowing for a site-by-site analysis that will reduce the burden of compliance on single- and two-family affordable houses.

- DOEE received a request that single- and two-family homes that are not affordable homes should be able to comply fully off-site.

DOEE Response: The stormwater management regulations already allow for up to 50% off-site compliance for all projects, including single- and two-family houses. However, DOEE believes that the fifty percent (50%) on-site requirement is important in the MS4 and in the CSS areas managed with GI. DOEE is not currently considering changes to that requirement.

b. Comments: Athletic Playing Fields, Permeable Tracks, and Permeable Play Areas

- DOEE received comments expressing support for the exemption for athletic playing fields, with commenters stating that this will alleviate operational and financial concerns with providing athletic fields at schools. The commenter notes that athletic playing field projects have not been pursued as a result of the District's stormwater management regulations.

DOEE Response: DOEE acknowledges the commenter's support for this provision.

- DOEE received a comment that many athletic playing fields have met DOEE's requirements in the past and therefore future athletic playing field projects should as well.

DOEE response: DOEE disagrees with the commenter. While it is true that many athletic playing fields have complied with the District's stormwater management regulations in the past, DOEE has observed a disproportionate compliance burden for these projects. As a result, DOEE has determined that an exemption is appropriate for these types of projects in the future.

- DOEE received a comment stating that the exemption for athletic playing fields should not be provided when compacted cover is converted to artificial turf.

DOEE Response: DOEE disagrees with the commenter. Whether the pre-project conditions are compacted or impervious, the total project cost and site constraints associated with building an athletic field are similar. In addition, the detention requirements of the District's regulations remain in place for these projects, which will help prevent localized flooding and stream channel erosion.

- DOEE received a comment requesting that all athletic fields be exempt, not just those with an underdrain. The commenter requested clarification on the underdrain system requirements. DOEE also received a comment requesting guidance on measurement of permeability of an athletic playing field.

DOEE response: All permeable athletic fields will be exempt, including grass turf fields and synthetic fields with underdrains. DOEE believes that the presence of an underdrain is an important design consideration for synthetic fields. The Stormwater Management Guidebook will be updated to include guidance for

drainage layer and orifice sizing. Synthetic turf fields that allow for water to enter a drainage layer will be considered permeable.

c. Comments: Small Structures at Parks and Pedestrian Trails

- DOEE received comments requesting clarification about the process to obtain the exemptions for small structures in parks and for trails, described in §§ 517.8 and 517.10.

DOEE Response: DOEE's intention was that an applicant would seek the exemption as part of their application for DOEE review of a soil erosion and sediment control plan. DOEE understands that commenters wanted additional clarity on this process. DOEE will instead require that these projects submit SWMPs and will review projects according to the Practicable process described in these regulations and, in greater detail, a new appendix to the Stormwater Management Guidebook.

- DOEE received a comment stating that the exemption for small structures at parks would specifically benefit the District government.

DOEE Response: This exemption will be provided to all qualifying projects, whether or not the public park is District-owned. DOEE has observed compliance challenges for small structures at parks and believes this provision is warranted. This compliance flexibility will help to allow projects to proceed to provide community benefits without stormwater management compliance becoming cost-prohibitive.

d. Comments: Definition Changes

- DOEE received several comments expressing support for the change to the definitions.

DOEE Response: DOEE acknowledges the commenters' support for this change.

- DOEE received comments expressing concern that the definition changes will allow significant impervious area to be unregulated. Commenters requested a lower impervious threshold (such as 500-800 square feet).

DOEE Response: DOEE carefully evaluated these revised definitions and believes 2,500 square feet of impervious surface is an appropriate threshold. DOEE's intention with this definition change is that projects that consist primarily of landscaping maintenance would not trigger the stormwater management performance requirements. In revising this definition, DOEE needed to consider several factors, such as:

- Project size and impervious surface size at which DOEE could objectively determine that a project consists primarily of landscaping maintenance;

- Likelihood of post-project compacted land cover to increase stormwater runoff relative to pre-project land cover; and
- Total reduction in area that would be regulated on future submittals.

Under the revised definitions, if any of the pre-project land cover is natural, the regulatory threshold remains the same as it was under the 2013 regulations. If the pre-project land cover is impervious or compacted, the project is regulated if at least 2,500 square feet of the post-project land cover is impervious. A project with less than 2,500 square feet impervious surface post-project that still reaches 5,000 square feet of land disturbance and substantial improvement has at least half of its land disturbance associated with either impervious surface removal or maintenance of compacted surfaces such as landscaping. If these projects did not remove the impervious surface or did not disturb the existing compacted land cover (*e.g.*, to provide for landscaping maintenance), then they would not trigger the stormwater management regulations. DOEE notes that areas of land disturbance and substantial improvement may involve smaller total areas, but larger impervious surfaces, and not trigger the regulations. For example, construction of a new structure that is entirely impervious would not trigger the regulations if the land disturbance and substantial improvement is only 4,000 square feet.

Removal of impervious surfaces and maintenance of landscaping improve water quality by improving the permeability and retention capacity of land. DOEE acknowledges that there is water quality benefit that could be achieved by applying the stormwater management requirements to scenarios that would not trigger regulation under these new definitions. These include the conversion of compacted land cover to impervious land cover and disturbance of small areas of pre-project impervious or compacted land cover that remains the same type of land cover post-project. However, DOEE also believes the overall water quality benefits associated with regulating these projects is small.

To evaluate the water quality impact, DOEE analyzed how the 2,500 threshold would affect total area regulated and total retention volume achieved. Of the 822 projects that DOEE has approved under the 2013 Stormwater Rule, only 14 (1.7%) of these projects have had less than 2,500 square feet of impervious surface. These sites account for approximately 0.6% of total regulated area, less than a tenth of a percent of total regulated impervious area, and 0.1% of required stormwater retention volume. Given the relatively small area, impervious area, and required retention volume, the water quality impact achieved by regulating these sites has been comparably small.

Therefore, while there is water quality benefit associated with capturing stormwater runoff from compacted land cover, DOEE has determined it is appropriate to limit the extent to which compacted land cover contributes toward a project triggering the stormwater management performance obligations. DOEE evaluated several options and determined that the clearest and most objective way

to set this threshold would be to allow compacted land cover to account for at most fifty percent (50%) of the 5,000 square feet required to trigger the regulations. Once the regulations are triggered, DOEE believes it is appropriate to require that the entire area of land disturbance and substantial improvement comply with the stormwater management requirements.

In the table below, DOEE is summarizing how the regulatory change would affect different types of projects:

Example Project	Project Area	Regulated for stormwater management under 2013 Stormwater Rule?	Regulated for stormwater management under 2019 Amendment?
Apartment building re-sodding lawn	<ul style="list-style-type: none"> <li>• 4,000 square feet of land disturbance</li> <li>• Entirely compacted pre- and post-project</li> </ul>	No	No
Apartment building re-sodding lawn	<ul style="list-style-type: none"> <li>• 5,000 square feet of land disturbance</li> <li>• Entirely compacted pre- and post-project</li> </ul>	Yes	No
Construction of single-family home	<ul style="list-style-type: none"> <li>• 2,000 square feet of land disturbance</li> </ul>	No	No
Construction of single-family home and additional landscaping	<ul style="list-style-type: none"> <li>• 5,000 square feet of land disturbance</li> <li>• 2,000 square feet of impervious surface post-project</li> </ul>	Yes	No
Construction of single-family home on existing natural land cover	<ul style="list-style-type: none"> <li>• 5,000 square feet of land disturbance</li> <li>• Entirely natural</li> </ul>	Yes	Yes

	land cover pre-project • 2,000 square feet of impervious surface post-project		
Construction of single-family home and additional landscaping	• 5,000 square feet of land disturbance • 3,000 square feet of impervious surface post-project	Yes	Yes
Construction of new building	• 4,000 square feet of land disturbance • Entirely impervious surface post-project	No	No
Construction of new building	• 6,000 square feet of land disturbance • Entirely impervious surface post-project	Yes	Yes

Based on these considerations and following DOEE’s analysis of the water quality impact associated with regulated projects with less than 2,500 square feet of post project impervious surface, DOEE determined that creating the 2,500 square foot impervious surface threshold would be an effective way to address landscaping maintenance while minimizing the impact on the District’s waterbody restoration efforts.

e. Comments: General Comments about Definition Changes and Exemptions

- DOEE received a general comment expressing support for compliance flexibility.

DOEE Response: DOEE acknowledges the commenter’s support for this provision.

- DOEE received comments stating that if DOEE creates an exemption, the exemption should be limited and that it is preferable for these projects to take all practicable



steps to manage stormwater runoff (*e.g.*, as required for affordable housing under DOEE's proposal). DOEE received comments expressing particular concern about the requirements for athletic playing fields.

DOEE Response: DOEE's intention is that the exemptions for trails and for small structures at parks would go through a process that requires implementing all practicable BMPs. DOEE understands the commenter's desire that each site install BMPs when feasible, and this was DOEE's intent in drafting the exemptions. To provide clarity, DOEE will change the exemptions for trails and for small structures at parks to be written in a way that is consistent with single- and two-family affordable housing and will define a Practicable process in the Stormwater Management Guidebook.

For athletic playing fields, permeable athletic tracks, and permeable play areas, BMP options are extremely limited. In many cases, sites have design constraints that prevent the conveyance of stormwater to other locations on the site for infiltration, which limits the practicability of BMPs other than evaluating the surface according to design guidelines for permeable pavement practices. While DOEE determined that a practicable process was not appropriate for these types of projects, DOEE does intend for these projects to detain stormwater runoff. To streamline and simplify the design process, DOEE is specifying a minimum depth of crushed stone and maximum orifice size that will meet the detention requirement for the two (2)-year storm. Generally, projects satisfy the detention requirement for the fifteen (15)-year storm when they do not result in more impervious surface post project than there was pre-project.

- DOEE received comments expressing concern that proposing exemptions and changing definitions are in conflict with the District's MS4 Permit. Commenters noted that the MS4 Permit requires the District to implement its stormwater management programs, to regulated development activity, and to research ways to increase the performance requirements or scope of the District's regulations.

DOEE Response: Proposing exemptions and changing definitions is not in conflict with the District's MS4 Permit. The MS4 Permit requires that the District continue to implement its stormwater management regulations for development activities such as construction and renovation of commercial, multifamily, and mixed used buildings and parking lots. However, the MS4 permit does not define development activity and does not require that the District regulate any specific project.

DOEE's focus in writing the 2013 Stormwater Rule was to regulated commercial, multifamily, and mixed use buildings and parking lots. In the preamble to the first proposed rulemaking on the 2013 Stormwater Rule, published in the August 10, 2012, issue of the *D.C. Register* (66 DCR 0031213), DOEE described its decision-making process to set regulatory thresholds and storm size requirements, including DOEE's consideration of the cost of compliance. This was supported by

an analysis DOEE commissioned in 2010 by Industrial Economics, Inc. The hypothetical projects used for analysis were new construction and renovation of large commercial buildings because this was the focus of DOEE's proposed regulations.

The focus of DOEE's regulations was not single- and two-family affordable houses, athletic playing fields, permeable athletic tracks, permeable play areas, trails, small structures at parks, or landscaping maintenance. However, these types of projects have triggered the 2013 Stormwater Rule when they disturb or substantially improve 5,000 square feet. As described in the introductory paragraphs of the preamble, DOEE recognizes the disproportionate burden of compliance on these types of projects and determined that amendments to the stormwater regulations were appropriate. Additional details on DOEE's determinations are available in the comment responses on these subjects earlier in this preamble.

DOEE provided the United States Environmental Protection Agency with a copy of the proposed amendments when they were published in the *D.C. Register*.

Although the exemptions and definition changes are not in conflict with the MS4 Permit, DOEE acknowledges that the permit does require that the District provide by December 2020 an analysis of potential changes to the District's stormwater management regulations. DOEE will prepare this analysis to comply with the MS4 Permit requirement. If DOEE's analysis suggests that DOEE should implement any changes to the regulations, DOEE may choose to adopt a different size threshold for regulated project or performance requirement.

- DOEE received comments stating that any lost retention capacity should be modeled and made up elsewhere. Some commenters requested that DOEE use its funding or increase performance standards to provide the corresponding retention.

DOEE Response: DOEE understands the commenter's desire to restore the District's waterbodies and DOEE shares that goal. However, DOEE's focus through the stormwater management regulations is on development activity. DOEE believes that its water quality goals can be achieved while providing reasonable exemptions to these regulations for projects that are disproportionately impacted by compliance.

DOEE evaluated the proposed exemptions, along with definition changes, and projected a decrease of up to five percent (5%) in regulated area draining to BMPs on future SWMPs. DOEE also proposed amendments to the SRC trading program to help shift a greater portion of retention into the MS4, which DOEE expects to help make up for some of the reduced contributing drainage area on future SWMPs. DOEE uses its funding through several grant and rebate programs and through the SRC Price Lock Program to incentivize and fund green infrastructure in the MS4.

f. DOEE Determination

DOEE will finalize the provisions regarding affordable housing, but will move the provision in § 517 to § 518 and will not refer to the provision as an exemption. DOEE will revise and expand its guidance on affordable housing in the Stormwater Management Guidebook.

DOEE will finalize the amendments to the definitions of Major Land-Disturbing Activity and Major Substantial Improvement Activity.

DOEE will finalize the amendments related to trails; small structures at parks; and athletic playing fields, permeable athletic tracks, and permeable play areas with the following clarifications in response to the comments received:

- For athletic playing fields, permeable athletic tracks, and permeable play areas, the project will only be exempt if the Soil Erosion and Sediment Control plan submitted for the project shows that the athletic field, permeable athletic track, or permeable play area meets drainage layer and orifice sizing requirements specified in DOEE's Stormwater Management Guidebook. If the sizing requirements are not met, then the project will be required to obtain DOEE's approval of a Stormwater Management Plan (SWMP). The SWMP would need to show that the peak discharge requirements of the regulations are met, but would not otherwise need to show that the stormwater management performance requirements are met.
- Rather than offering an exemption for trails and for small structures at parks, DOEE will require that these projects submit a SWMP and go through a Practicable review process. This provision is being moved from § 517 to § 518 and is being structured similar to the provision for single- and two-family affordable housing. This change is being made to provide clarity to applicants while achieving the same stormwater management outcome DOEE intended with the proposed exemption. Additionally, DOEE is clarifying that structures at parks are only eligible for consideration under this provision if they are less than 2,500 square feet.

**2. Additional compliance flexibility with the on-site retention requirement for projects that drain to the combined sewer system**Comments

- Nearly all of the submitted comments on this subject expressed support for the amendment. Some commenters stated that this provides additional design flexibility and potential cost savings to developers while incentivizing additional green infrastructure in the MS4 without affecting existing SRC supply, demand, and value. Other commenters noted that similar rules in other environmental markets have been

effective for balancing market supply and demand. Commenters also noted that with the completion of the CSS tunnel project, this off-site compliance flexibility should achieve far greater water quality benefit through the purchase of MS4 SRCs.

DOEE Response: DOEE acknowledges the commenters' support for the proposed amendment and appreciates the input on expected outcomes.

- DOEE received a comment that developers are unlikely to use the additional off-site compliance flexibility if they are still required to achieve the detention requirements on-site. The commenters suggested that the cost to install BMPs to detain stormwater is significant, but it can be achieved by on-site retention BMPs. Commenters indicated to DOEE that the combined cost of on-site detention and off-site retention would likely cause developers to instead build BMPs on-site that achieve both the retention and detention requirement simultaneously. In other words, compliance with the detention requirement would be a cost barrier to developers using the new flexibility to comply with the SWRV fully off-site in the MS4.

DOEE response: DOEE appreciates the commenters' input on the decision-making process to comply off-site. DOEE will address this subject via a separate rulemaking.

- DOEE received one comment suggesting that this change would discourage BMPs in areas where stormwater management is needed.

DOEE Response: While DOEE understands that there is benefit to installing GI in the CSS, the water quality benefit of installing GI in the MS4 is much larger. Thus, this proposed amendment has the potential to maximize water quality improvement.

- DOEE received one comment that DOEE should not decrease the on-site retention requirement in the areas of the CSS being served by tunnels as a method to drive demand for the SRC market, and should rather conduct research on other ways to drive demand for the SRC market. The commenter questions whether developers will use the additional off-site compliance flexibility.

DOEE Response: DOEE's goal with the proposed change was not to drive demand for SRCs per se, but rather to increase the amount of green infrastructure located in areas that drain to the MS4, where GI maximizes benefits for District rivers. The 50% on-site retention requirement limits the extent to which this goal can be achieved. The change that DOEE proposed allows flexibility for regulated sites in the tunnel area of the CSS to retain less than fifty percent (50%) on site, provided any SRCs they use are from GI in the MS4. This change can help drive the installation of GI in the MS4 as regulated demand for MS4 SRCs grows.

DOEE acknowledges the possibility that developers will not use the additional off-site compliance flexibility. DOEE agrees with the commenter that there may

be additional ways to encourage developers to comply off-site in the MS4 and DOEE is in the process of researching additional possible regulatory and incentive-based options to achieve this outcome. However, DOEE disagrees with the commenter's suggestion that this means the proposed flexibility should not be implemented.

### DOEE Determination

DOEE will finalize the proposed amendments to §§ 520, 521, 522, and 527.9. The finalized amendment also includes two clarifications. First, any site that drains to the CSS will continue to have a fifty percent (50%) on-site retention minimum if that sewershed is scheduled to be separated (*i.e.*, becoming part of the MS4), as identified in capital improvement budgets (available at <https://www.dewater.com/budget-and-financial-planning>). Second, any site in the CSS that complies less than 50% on-site but is part of a larger phased project approved by DOEE under a masterplan may use SRCs generated by another phase of that project (which could include CSS SRCs from an adjacent parcel or from the adjacent public right of way [PROW]).

DOEE will address detention requirements in the CSS through a separate rulemaking.

### **3. Requirements to achieve off-site compliance outside the combined sewer system**

#### Comments

- DOEE received many comments in support of this amendment, which would require projects in the MS4 to achieve their Offv in the MS4. Commenters stated that this change would help to achieve water quality improvements in the MS4.

DOEE Response: DOEE appreciates the commenter's support for these changes.

- Some commenters requested that DOEE shorten the three (3)-month transition period before this new provision takes effect.

DOEE Response: DOEE acknowledges that many SRC buyers and sellers negotiate transactions over a period of time. DOEE believes that a 3-month transition is sufficient to allow any ongoing negotiation to reach a contract. DOEE believes that restricting the purchase of CSS SRCs immediately is not a reasonable transition period for SRC buyers acting under the framework of the pre-amendment stormwater management regulations. For developers generating and using their own SRCs, DOEE believes that a 3-month transition is sufficient time for any project that has already been designed and is nearing the end of the permitting process to obtain DOEE's approval of the SWMP.

- Some commenters suggested that the requirement for MS4 sites to use MS4 SRCs should not be implemented:
  - Commenters said it was not clear that MS4 sites are using CSS SRCs, and that the rule may not be necessary.

- Commenters said this would inject uncertainty into the market, making it difficult for DOEE to implement the program and complicated for developers to know which SRCs they could use.
- Commenters said this would create different tranches of SRC supply and devalue CSS SRCs.
- DOEE also received comments requesting the ability for previously-approved sites with SRC eligibility in the CSS to be able to continue selling SRCs to the MS4, including for future years of SRC certification.

DOEE Response: The primary purposes of the SRC program are to provide compliance flexibility for regulated development while also maximizing benefits for District waterbodies. The greatest water quality benefit is achieved when voluntary GI is installed in the MS4, not in the CSS. Despite the fact that there has been enough SRC supply to satisfy one hundred percent (100%) of SRC demand, DOEE has noted that sixty-nine percent (69%) of SRCs purchased over the last twelve (12) months were CSS SRCs. This limits the extent to which the SRC program can accelerate restoration of the District's waterbodies.

When DOEE started developing the SRC program in 2010 and at the time DOEE finalized the 2013 Stormwater Rule, DOEE determined that allowing the use of CSS or MS4 SRCs was important for establishing a new market. Six years later, DOEE believes it is appropriate to revisit the rules of the SRC program to ensure that the maximum water quality benefits are achieved.

DOEE disagrees with the commenter's suggestion that this would increase the resources DOEE needs to implement the program and make it difficult for developers to comply. Implementation of the SRC program occurs using the Stormwater Database (<http://doee.dc.gov/swdb>), also referred to as the Submittal Database. In the Stormwater Database, DOEE knows the sewershed of each regulated site and the sewershed of each SRC-generating site. This information is posted to the list of SRCs for Sale, so property owners who are seeking to buy SRCs can easily filter for MS4 SRCs. DOEE consistently helps developers comply with Offv obligations through automated email reminders, phone calls, and instructions. DOEE plans to include in these frequent communications information about which SRCs a property is eligible to use.

DOEE acknowledges the commenter's observation that MS4 SRCs will be more valuable than CSS SRCs. DOEE's intention is to increase the incentives to construct GI in the MS4, so a higher valuation of MS4 SRCs supports this objective.

DOEE has several programs in place to support a large, affordable supply of MS4 SRCs. Chief among these is the SRC Price Lock Program, which has already resulted in the construction of SRC-generating projects that can provide approximately 225,000 MS4 SRCs per year.

In addition to maximizing water quality benefits for District waterbodies, a strong demand for SRCs in the MS4 is important for supporting robust SRC generation in the District and a long-term supply of SRCs to provide compliance flexibility to regulated development. Strong demand for SRCs in the MS4 signals to potential SRC generators that they should indeed construct these GI projects that provide SRC supply and offers greater certainty that their SRCs will be purchased. If developers are buying non-MS4 SRCs, this limits the ability of SRC generators to privately raise funds to construct their MS4-based projects. As a result, this would achieve less total supply on the market for developers to purchase in the long run.

In addition, while DOEE recognizes that the change will reduce the incentive to install GI in the CSS, this change must be considered in light of the environmental benefit achieved by requiring MS4 sites to purchase MS4 SRCs. It must also be noted that since the launch of the SRC program, there have been no voluntary GI projects built in the CSS with the intent to sell SRCs to pay for the GI. All CSS SRCs are from regulated projects exceeding their requirements, projects submitted for permitting before 2013, or DOEE-funded projects. Therefore, this change does not affect the market rules for voluntary GI projects that had expected to use SRCs to support the financing of the GI project. For sites generating CSS SRCs, the SRC owner may sell SRCs to MS4 sites in the future if they are sold according to a contract that has already been signed or that is signed within three (3) months of the finalization of these amendments.

#### DOEE Determination

DOEE will finalize the proposed amendments. The final rule clarifies that any Anacostia Waterfront Development Zone (AWDZ) site is required to use MS4 SRCs for its entire Offv. While the language of the proposed rulemaking only required this for the Water Quality Treatment Volume (WQTV) portion of the Offv, DOEE's intent was that MS4 SRCs must be used for the WQTV portion of the Offv and for the SWRV portion of the Offv.

#### **4. SRC Eligibility Cutoff Date**

##### Comments

- DOEE received comments that support the change in the SRC eligibility cutoff date. Many commenters expressed the belief that when older projects have the ability to generate SRCs, this depresses the incentive for construction of new GI.

DOEE Response: DOEE acknowledges the commenters' support for this change.

- Many commenters who supported this change requested that DOEE implement additional changes:

- DOEE received a comment that BMPs in the CSS that previously received SRC certification should eventually lose that eligibility.
- DOEE received a comment requesting that DOEE restrict the value of the SRCs from BMPs installed prior to 2013, or restrict how those SRCs can be used in the future.
- Commenters requested that DOEE implement the new rules immediately, rather than allowing for a six (6)-month transition.

DOEE Response: DOEE appreciates the commenters' desire to increase the incentives for the construction of new green infrastructure by further restricting the eligibility to generate SRCs from previously-built sites. For GI built prior to the launch of the SRC program in 2013, the investment to construct GI was not primarily driven by the ability to generate SRCs. Although the costs of GI design and construction occurred prior to the establishment of the SRC program, the owners of these GI practices were required to invest in additional engineering post-construction to document the retention capacity of the previously-built GI. DOEE believes it is reasonable to allow these sites to continue to generate SRCs. However, DOEE notes that this scenario is different from regulated sites that designed and built GI to satisfy a SWRv and have SRC eligibility for the excess of that required GI capacity.

DOEE also recognizes that for property owners who are interested in generating SRCs, it can take several months to complete the necessary engineering, schedule inspections, and develop a maintenance contract. Therefore, DOEE thinks a 6-month transition is sufficient.

- Commenters requested clarification on the recertification process, including how projects will be notified of the ability to recertify SRCs and whether the inspection process could delay recertification.

DOEE Response: DOEE currently reminds SRC generators with automatic email notifications about recertification six (6) months in advance, including a recommendation to schedule an inspection (since the inspection can occur 6 months prior to certification). DOEE also increases its assistance with the recertification process starting three (3) months in advance, since this is when DOEE can start receiving the next SRC certification application.

Given this assistance, DOEE believes it is unlikely that a DOEE inspection would delay recertification since the inspection can occur 6 months in advance and the recertification can occur with up to 6 months of lapse (*i.e.*, a one (1)-year time period). DOEE also notes that any participant in the SRC Price Lock Program has already committed to recertify SRCs with a lapse no greater than 6 months.

- DOEE received a comment requesting that the cutoff date be extended to five (5) years.



DOEE Response: DOEE believes three (3) years is ample time to submit the application to certify SRCs. Three years also coincides with DOEE's inspection cycle.

#### DOEE Determination

DOEE will finalize the proposed amendments. The three (3)-year time period to submit the first SRC certification application begins with DOEE's final inspection. The rule also states that if a final inspection does not occur, the 3-year period starts at the time of BMP or land cover installation. DOEE is clarifying that in the event that a final inspection does not occur, DOEE will determine when the BMP or land cover was installed.

### **5. Other Comments related to the SRC Program**

Many commenters who expressed support of the changes DOEE proposed for the SRC Program also submitted comments requesting that DOEE make additional changes related to the SRC program.

#### Comments

- Several commenters requested changes to the retention performance requirements. In addition to increasing incentives to construct green infrastructure in the MS4, these changes were focused on addressing changing rainfall patterns. Specific comments included:
  - A request to increase the stormwater retention performance requirement for regulated sites to 1.7 inches of retention, with consideration for how climate change will affect future rainfall patterns.
  - An indexing of the 90<sup>th</sup> percentile storm event with periodic updates.
  - A comment that by raising the requirement to 1.7 inches of retention, DOEE could also make the AWDZ requirements redundant and remove those requirements.

DOEE Response: DOEE recognizes that an increase to the performance requirement would increase stormwater retention and would have the potential to increase the amount of SWRv achieved off-site in the MS4. However, any increase to the performance requirement would require further evaluation and is outside the scope of this rulemaking. DOEE notes that the District's MS4 Permit requires that the District prepare by December 2020 an evaluation on possible changes to the District's stormwater management regulations, which could include an evaluation of possible increases to the performance requirement.

Regarding the AWDZ requirements, these were established by the Anacostia Waterfront Environmental Standards Amendment Act of 2012. This legislation also requires that off-site compliance may only be used if on-site compliance is infeasible.

- Commenters requested various restrictions on the ability to generate or use CSS SRCs through:
  - Requirements that sites in the CSS use MS4 SRCs for at least part of their Offv (*e.g.*, any site in the CSS must meet half its Offv with MS4 SRCs even if it uses CSS SRCs for the remaining portion of its Offv);
  - Trading ratios (*e.g.*, a CSS site may use .8 MS4 SRCs to meet one gallon of Offv);
  - Restrictions on the ability to generate CSS SRCs; and
  - Requirements that sites in the CSS use MS4 SRCs.

DOEE Response: DOEE agrees with the commenters about the water quality benefit achieved by purchasing SRCs generated by GI in the MS4. DOEE's proposed amendments have already required that any site in the MS4 may only use MS4 SRCs and have provided additional off-site flexibility to projects in the CSS area that drains to storage tunnels if they choose to comply off-site in the MS4. DOEE is not at this time choosing to implement additional program rules that would specifically address the ability to generate or sell CSS SRCs. Any site in the CSS that complies at least fifty percent (50%) on-site would still be allowed to use CSS SRCs. DOEE may revisit this decision in a later rulemaking.

With regard to trading ratios and requirements to comply in the MS4 for a percentage of Offv, DOEE prefers to make an SRC purchase as easy as possible. DOEE believes that the implementation of trading ratios or requirements that a specific percentage of SRCs must be MS4 SRCs would make purchasing SRCs more difficult. With a trading ratio, SRC buyers would need to calculate the number of SRCs they would need to purchase based on the SRC seller with which they negotiate a trade. With an MS4 percentage requirement, the buyer would either need to purchase in multiple transactions or would need to purchase exclusively MS4 SRCs.

If a regulated site in the CSS is already complying 50% on-site and chooses to install additional on-site GI, the additional retention capacity would be built in the CSS. When the regulated site uses a CSS SRC, this is a comparable water quality outcome.

- DOEE received various comments regarding the use of SRCs that are generated in excess of regulatory requirements. Specific requests include:
  - Restrictions on the ability to sell these SRCs, but preserving the ability for an SRC generator to use the SRCs on another of that SRC generator's properties with Offv;
  - Restrictions on the ability to use these SRCs, including on the SRC generator's other properties with Offv;
  - Restrictions on the ability to generate SRCs in excess of a regulatory requirement on sites in the CSS;
  - Establishing a priority order in which SRCs may be used (*e.g.* must use voluntary SRCs before using regulated SRCs); and

- Requirement that sites could only use self-generated regulated SRCs for a portion of their Offv.

DOEE Response: DOEE appreciates the commenters' input and agrees that it is important to support the construction of new, voluntary green infrastructure in the MS4. DOEE believes it is appropriate to limit the use of SRCs that are generated in excess of a regulatory requirement since the GI capacity that produces these SRCs is used in only the few storms each year that have a rainfall depth larger than the regulatory requirement. DOEE will address this subject via a separate rulemaking.

- DOEE received a comment requesting information about the rate at which developers are using the off-site compliance flexibility.

DOEE response: Approximately thirteen percent (13%) of development projects have opted to comply off-site. DOEE includes a list of sites with Offv in the SRC Registry, which is available through the Submittal Database. This comment does not address a specific element of the proposed rulemaking, so there will be no change in response to this comment.

- DOEE received comments that DOEE should work with DDOT to allow more privately-funded green infrastructure in the PROW.

DOEE Response: DOEE concurs with the commenter and has been discussing with DDOT the circumstances and conditions under which DDOT would allow installation of SRC-generating projects in the PROW. The stormwater management regulations already allow SRC-generating projects in the PROW, so no regulatory change is necessary.

- DOEE received a comment that the proposed regulations should exempt voluntary retrofits.

DOEE Response: The regulations already have an exemption for voluntary stormwater management retrofits. No change is necessary.

- DOEE received several comments that DOEE should increase its outreach to developers to encourage off-site compliance. Commenters suggested various types of analysis that could be done to better understand developers' decision-making process with regard to off-site compliance.

DOEE Response: While DOEE appreciates the commenters' recommendations, this is outside the scope of the rulemaking. DOEE will continue to seek and respond to input from commenters regarding effective outreach strategies. DOEE is currently in the process of developing outreach materials related to the increased compliance flexibility in the CSS area.

- DOEE received a comment requesting a five (5)-year certification period instead of a three (3)-year certification period.

DOEE Response: A change to the maximum certification period is outside the scope of this rulemaking. DOEE believes the 3-year certification cycle is an appropriate limit on the ability to generate SRCs in the future. The certification cycle is consistent with DOEE's maintenance inspection cycle and reduces the risks of maintenance failure at an SRC-generating site.

- DOEE received comments requesting that SRC-generating projects should not need to submit a SWMP and should receive priority review.

DOEE Response: This comment is outside the scope of this rulemaking. DOEE believes it is critical that SRC-generating projects receive the same level of SWMP review that is required for all regulated sites, as the SRCs produced will be used to satisfy the regulatory obligations of these sites. DOEE also commits to review all projects within ten (10) to thirty (30) business days, prioritizing projects in the order they are submitted.

- DOEE received a comment requesting clarification on how DOEE tracks progress achieved through the SRC program.

DOEE Response: DOEE tracks the SRC program using the Submittal Database. Specific indicators of program success are published in annual reports at <http://doee.dc.gov/src>. These indicators include number of GI projects built, total area draining to SRC-generating GI, number of trades, number of projects complying off-site, and number of MS4 SRCs used.

- DOEE received a comment requesting additional resources to assist developers with calculating costs of off-site compliance, including opportunity cost.

DOEE Response: Development of such a tool is outside the scope of this rulemaking.

- DOEE received a comment suggesting that the SRC program was intended to help homeowners generate income by installing BMPs. The commenter requested clarification on whether this is the case.

DOEE Response: DOEE has not promoted the SRC program as a good option for homeowners. While it is possible for homeowners to meet the SRC eligibility criteria, DOEE anticipates that most individual homes don't have large enough volumes of stormwater runoff to competitively generate and sell SRCs. Therefore, DOEE has always made a point to discuss these issues with homeowners who are interested in the program. DOEE typically directs these homeowners to the RiverSmart Homes program, which is focused on residential properties.

### DOEE Determination

The final rule does not directly address the additional comments received regarding the SRC Program. However, through a separate rulemaking, DOEE plans to propose amendments that address the ability to use SRCs generated in excess of a regulatory requirement. Additionally, DOEE will continue working on SRC generation for projects in the PROW and continue to conduct outreach on off-site compliance and the SRC program.

## 6. Fees

### Comments

- DOEE received comments contending that its supplemental review fees are too high and that DOEE's review fees are too high for single-family projects.

DOEE Response: These comments, which focus on the fee structure, are outside the scope of the proposed rulemaking, which includes an inflation adjustment to the supplemental fees but does not change the overall fee structure. The fee structure, including the supplemental fee, is essential for DOEE to be able to provide timely review on permit applications. These fees pay for DOEE's plan review, and a reduction in fee revenue would result in a decreased ability to review projects promptly.

DOEE also notes that most single-family homes do not trigger the stormwater management regulations, unless they are large enough to trigger the regulations by themselves or as part of a larger project such as a subdivision. DOEE notes that for Soil Erosion and Sediment Control, there is a lower tier of fees for residential projects that disturb less than five hundred (500) square feet. DOEE acknowledges that for projects that comply entirely off-site or that go through a Practicable review process, the time required for DOEE review is reduced. DOEE will address this subject through a separate rulemaking.

- DOEE received comments requesting clarification about when supplemental review fees are charged.

DOEE Response: Supplemental review fees are charged for each submission after the first resubmission (in other words, the fee is charged for each review starting with the third review). A new flowchart in Chapter 5 of the Stormwater Management Guidebook was created to help clarify this process.

### DOEE Determination

DOEE will finalize the inflation adjustment and other changes to § 501. Through a separate rulemaking, DOEE will also address fee rates for projects that require less time for DOEE to review.

DOEE's proposal included the incorrect fee inflation adjustment in Table 3 for dewatering pollution reduction plan review and for review of an application for relief from extraordinarily difficult site conditions. DOEE is implementing the final rule with the correct fee inflation adjustment.

## 7. Other Comments

DOEE received various comments that did not address the rulemaking.

### Comments

- DOEE received a comment requesting an increase to the Stormwater Fee and an increased discount for those who manage stormwater in the MS4. The commenter also requested increased funding for the SRC Price Lock Program.

DOEE Response: The stormwater fee is outside the scope of this rulemaking. However, DOEE notes that the District's MS4 Permit requires that the District prepare by December 2020 an evaluation on possible increases to the stormwater fee. The SRC Price Lock Program is also outside the scope of this rulemaking. While DOEE agrees with the commenter regarding the importance of the SRC Price Lock Program, increased funding for the SRC Price Lock Program would need to be allocated through the District's budget process.

- DOEE received a comment requesting information about the budget of the Clean Rivers Impervious Area Charge (CRIAC) Nonprofit Relief Program.

DOEE Response: The CRIAC Nonprofit Relief Program is outside the scope of this rulemaking. Information about the CRIAC Nonprofit Relief Program is available at <https://doee.dc.gov/service/clean-rivers-impervious-area-charge-nonprofit-relief-program>.

- DOEE received a comment stating that grey infrastructure should be used to provide stormwater treatment when stormwater retention is not an option.

DOEE Response: DOEE's stormwater management regulations already require stormwater treatment in each Site Drainage Area outside the CSS that does not achieve fifty percent (50%) of the SWRV.

- DOEE received a comment expressing concern that previously-approved projects would retroactively trigger SWPPP requirements.

DOEE Response: The proposed amendments clarified that projects that disturb 5,000 square feet require a SWPPP. The 2013 Stormwater Rule stated that projects only require a SWPPP if they disturb more than 5,000 square feet. This

was a minor clarification. There are no previously-approved projects that disturbed exactly 5,000 square feet.

- DOEE received a comment recommending adaptive controls for stormwater BMPs.

DOEE Response: While DOEE does not endorse any particular product, these products may be used if they meet DOEE's design requirements.

- DOEE received a comment requesting information about how the cost threshold for an erosion and sediment control exemption in § 541 was set.

DOEE Response: This value was determined using an inflation adjustment to the value included in the 2013 Stormwater Rule.

- DOEE received a comment expressing concern about Certificates of Occupancy for swing space trailers prior to BMP implementation. The commenter stated that swing space trailers may be left in place for a long period of time. DOEE also received an inquiry about whether this applies to private schools and universities.

DOEE Response: DOEE believes it is appropriate to allow the use of swing space to be used during construction without requiring the installation of the BMP until project completion. This also applies to private schools and universities.

While DOEE's summary of the proposed rulemaking mentioned flexibility to obtain a Certificate of Occupancy to use swing space trailers prior to building green infrastructure, DOEE's proposed rulemaking did not actually include this provision. The discrepancy was inadvertent. DOEE does not intend to include this provision in the regulations, and will instead address it in the Stormwater Management Guidebook.

- DOEE received comments requesting additional training and resources. A particular comment requested a larger map of CSS and MS4 areas.

DOEE Response: This comment does not address a specific element of the rulemaking. DOEE provides many training opportunities and resources. The comment did not offer specific recommendations for how DOEE could improve these resources. The requested map was published on the DOEE website with explanation of the proposed rulemaking. The map allows for the user to search by address and zoom to specific locations. The requested map will also be available via the Submittal Database.

#### DOEE Determination

DOEE will implement no changes in response to these comments. DOEE will include the swing space provision as guidance in the Stormwater Management Guidebook and not as a regulatory provision in the rulemaking.

**Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**

**Section 500, GENERAL PROVISIONS, is amended as follows:**

**Subsection 500.1 is amended to read as follows:**

500.1 The provisions of this chapter shall be applicable to all sources of pollution affecting the Anacostia and Potomac Rivers and their tributaries within the District of Columbia (the District) including pollution carried by stormwater runoff, discharges from barges and other vessels, and domestic and industrial waste.

**By adding a new Subsection 500.10 to read as follows:**

500.10 Except as otherwise provided in this chapter, all submittals to the Department shall be made through the Department’s submittal database, which is available on the Department’s website from any device with an internet connection. Computers are also available for use by the public at the Department of Consumer and Regulatory Affairs. Instructions for submittal of any printed plans required by this chapter will be provided on the Department’s website or through the Department’s submittal database.

**Section 501, FEES, is amended as follows:**

**Subsection 501.2 is amended to read as follows:**

501.2 An applicant shall pay a supplemental review fee for each Department review after the review for the first resubmission of a plan, and the fee shall be paid before a building permit may be issued, except that a supplemental review fee for a review specified for a design phase under the Maximum Extent Practicable (MEP) process described in the Department’s Stormwater Management Guidebook (SWMG) shall not be required for a project or portion of a project entirely in the existing public right-of-way (PROW).

**Subsection 501.3 is amended to read as follows:**

501.3 An applicant for Department approval of a soil erosion and sediment control plan shall pay the fees in Table 1 for Department services at the indicated time, as applicable:

**Table 1. Fees for Soil Erosion and Sediment Control Plan Review**

Payment Type	Payment Requirement	Fees by Land Disturbance Type		
		Residential	All Other	
		≥ 50 ft <sup>2</sup> and < 500 ft <sup>2</sup>	≥ 50ft <sup>2</sup> and < 5,000 ft <sup>2</sup>	≥ 5,000 ft <sup>2</sup>



Initial	Due upon filing for building permit	\$53.96	\$469.44	\$1,154.70
Final • Clearing and grading > 5,000 ft <sup>2</sup> • Excavation base fee • Excavation > 66 yd <sup>3</sup> • Filling > 66 yd <sup>3</sup>	Due before building permit is issued	n/a		\$0.16 per 100 ft <sup>2</sup>
		n/a	\$469.44	
		\$0.11 per yd <sup>3</sup>		
		\$0.11 per yd <sup>3</sup>		
Supplemental	Due before building permit is issued	\$107.92	\$107.92	\$1,079.16

**Subsection 501.4 is amended to read as follows:**

501.4 An applicant for Department approval of a Stormwater Management Plan (SWMP) shall pay the fees in Table 2 for Department services at the indicated time, as applicable:

**Table 2. Fees for Stormwater Management Plan Review**

Payment Type	Payment Requirement	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
		≥ 5,000 ft <sup>2</sup> and ≤ 10,000 ft <sup>2</sup>	> 10,000 ft <sup>2</sup>
Initial	Due upon filing for building permit	\$3,561.24	\$6,582.90
Final	Due before building permit is issued	\$1,618.75	\$2,589.99
Supplemental	Due before building permit is issued	\$1,079.16	\$2,158.33

**Subsection 501.6 is amended to read as follows:**

501.6 An applicant shall be required to pay the fees in Table 3 for review of a Stormwater Pollution Prevention Plan (SWPPP) only if the site is regulated under the Construction General Permit issued by Region III of the Environmental Protection Agency.

**Table 3. Additional Fees**

Review or Inspection Type	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
	≤ 10,000 ft <sup>2</sup>	> 10,000 ft <sup>2</sup>
Soil characteristics inquiry	\$161.87	
Geotechnical report review	\$75.54 per hour	
Pre-development review meeting	No charge for first hour \$75.54 per additional hour	
After-hours inspection fee	\$53.96 per hour	
Stormwater pollution plan review	\$1,187.08	
Dewatering pollution reduction plan review	\$1,187.08	\$2,266.24
Application for relief from extraordinarily difficult site conditions	\$539.58	\$1,079.16

**Subsection 501.7 is amended to read as follows:**

501.7 An applicant for Department approval of a SWMP for a project being conducted solely to install a Best Management Practice (BMP) or land cover for Department certification of a Stormwater Retention Credit (SRC) shall pay the fees in Table 4 for Department services at the indicated time, as applicable, except that:

- (a) A person who is paying a review fee in Table 2 for a major regulated project shall not be required to pay a review fee in Table 4 for the same project; and
- (b) A person who has paid each applicable fee to the Department for its review of a SWMP shall not be required to pay a review fee in Table 4 for the same project:

**Table 4. Fees for Review of Stormwater Management Plan to Certify Stormwater Retention Credits**

Payment Type	Payment Requirement	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
		≤ 10,000 ft <sup>2</sup>	> 10,000 ft <sup>2</sup>
Initial	Due upon filing for building permit	\$620.52	\$917.29
Final	Due before building permit is issued	\$134.90	\$215.83
Supplemental	Due before building permit is issued	\$539.58	

**Subsection 501.9 is amended to read as follows:**

501.9 A person who requires the Department’s review of a proposed or as-built SWMP solely for the purpose of applying for a stormwater fee discount under this chapter shall not be required to pay a plan review fee to the Department for that project, except that a person who subsequently applies for SRC certification for the same project shall pay each applicable fee for initial and final plan review before the Department will consider the application for SRC certification.

**Subsection 501.10 is amended to read as follows:**

501.10 An applicant for Department approval of a Green Area Ratio plan shall pay the fees in Table 5 for Department services at the indicated time:

**Table 5. Fees for Review of Green Area Ratio Plan**

Payment Type	Payment Requirement	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
		≤ 10,000 ft <sup>2</sup>	> 10,000 ft <sup>2</sup>

Initial	Due upon filing for building permit	\$620.52	\$917.29
Final	Due before building permit is issued	\$134.90	\$215.83
Supplemental	For reviews after first resubmission	\$539.58	

**Subsection 501.11 is amended to read as follows:**

- 501.11 The in-lieu fee shall be three dollars and seventy-eight cents (\$3.78) per year for each gallon of Off-Site Retention Volume (Offv). In accordance with the court-approved consent decree, including court-approved modifications, for reducing Combined Sewer Overflows (CSOs) in the District of Columbia:
- (a) In-lieu fees paid by regulated projects in drainage areas that are targeted for green infrastructure implementation under a court-approved consent decree will be used to fund construction of green infrastructure in those drainage areas; and
  - (b) In-lieu fees paid by regulated projects in combined sewersheds will not be used to fund projects in combined sewersheds controlled by Gray CSO Controls required by a court-approved consent decree.

**Subsection 501.13 is amended to read as follows:**

501.13 A person shall pay the fees in Table 6 for the indicated resource before receipt of the printed resource:

**Table 6. Fees for Printed Resources**

<b>Paper Copies of Documents</b>	<b>Cost</b>
District Standards and Specifications for Soil Erosion and Sediment Control	\$53.96
District Stormwater Management Guidebook	\$94.34
District Erosion and Sediment Control Standard Notes and Details (24 in x 36 in)	\$26.98
District Erosion and Sediment Control Manual	\$45.00
District Erosion and Sediment Control Handbook	\$45.00

**Section 517, STORMWATER MANAGEMENT: EXEMPTIONS, is amended as follows:****Subsection 517.2 is amended to read as follows:**

- 517.2 A land-disturbing or substantial improvement activity shall be exempt from the requirements of §§ 520 (Stormwater Management: Performance Requirements For Major Land-Disturbing Activity), 522 (Stormwater Management: Performance Requirements For Major Substantial Improvement Activity), and 529 (Stormwater Management: Covenants and Easements) if the Department determines that the activity is conducted solely to install a best management practice or land cover that retains stormwater for one or more of the following purposes:
- (a) To generate SRCs;
  - (b) To earn a stormwater fee discount under the provisions of this chapter;
  - (c) To voluntarily reduce stormwater runoff in a manner that would be eligible to either generate SRCs or a stormwater fee discount, even if the person conducting the activity does not intend to apply to either program;
  - (d) To provide for off-site retention through in-lieu fee payments;
  - (e) To comply with a Watershed Implementation Plan established under a Total Maximum Daily Load for the Chesapeake Bay; or
  - (f) To reduce Combined Sewer Overflows (CSOs) in compliance with a court-approved consent decree, including court-approved modifications, for reducing CSOs in the District, or in compliance with a National Pollutant Discharge Elimination System permit.

**Subsection 517.6 is amended to read as follows:**

- 517.6 A land-disturbing activity in the existing PROW is exempt from the requirements in § 520 (Performance Requirements for Major Land-Disturbing Activity) for maintaining post-development peak discharge rates.

**A new Subsection 517.7 is added to read as follows:**

- 517.7 The portion of a land-disturbing activity that consists of the installation or replacement of athletic playing fields, permeable athletic tracks, or permeable playground surfaces shall be exempt from the stormwater management requirements of this chapter, provided that:

- (a) The land-disturbing activity achieves the post-development peak discharge performance requirements for Major Land-Disturbing Activities, as documented on:
  - (1) A Soil Erosion and Sediment Control Plan approved by the Department that shows the project achieves the drainage layer and orifice sizing requirements of the Department's Stormwater Management Guidebook; or
  - (2) A Stormwater Management Plan approved by the Department;
- (b) The pre-project land cover is compacted cover or impervious cover;
- (c) The athletic playing field, permeable athletic track, or permeable playground surface is located at a school or public park and is made available for use by the general public; and
- (d) If the athletic playing field, permeable athletic track, or permeable playground surface drains to a Best Management Practice (BMP), any gallon retained by the BMP shall only be eligible for SRC certification if the gallon is retained in excess of the stormwater retention and treatment performance requirements of this chapter for the area that is otherwise exempt pursuant to this subsection.

**Section 518, STORMWATER MANAGEMENT: PLAN REVIEW PROCESS, is amended as follows:**

**Subsection 518.3 is amended to read as follows:**

- 518.3 The owner of a site shall submit an initial application for the Department's approval of a major regulated project in accordance with § 500.10, including:
- (a) One (1) electronic set of the SWMP, certified by a professional engineer licensed in the District of Columbia;
  - (b) Each supporting document specified in the Department's SWMG; and
  - (c) If requested by the Department, one (1) paper set of the SWMP, certified by a professional engineer licensed in the District of Columbia.

**Subsection 518.8 is amended to read as follows:**

- 518.8 After receiving notification that an application meets the requirements for the Department's approval, the applicant shall submit a final preconstruction application to the Department's submittal database in accordance with § 500.10, including:

- (a) The complete electronic SWMP, certified by a professional engineer licensed in the District of Columbia; and
- (b) Each supporting document specified in the Department's SWMG.

**Subsection 518.9 is amended to read as follows:**

518.9 After the applicant submits a final preconstruction application that meets the requirements for the Department's approval, the Department shall approve the plan electronically through the Department's submittal database.

**Subsection 518.10 is amended to read as follows:**

518.10 The Department shall provide the applicant with access to the approved plan in the Department's submittal database after the applicant submits proof to the Department:

- (a) That the declaration of covenants and each applicable easement has been filed at the Recorder of Deeds; and
- (b) That each applicable fee for Department services has been paid.

**Subsection 518.11 is amended to read as follows:**

518.11 The Department may provide the applicant with access to the approved plan in the Department's submittal database before the declaration of covenants is filed if:

- (a) The Government of the District of Columbia has conditioned transfer of the property upon the successful acquisition of an approved SWMP or building permit; and
- (b) The declaration is to be filed at closing.

**Subsection 518.12 is amended to read as follows:**

518.12 Within twenty-one (21) days of the Department's final construction inspection, the applicant shall submit an as-built package to the Department's submittal database, including:

- (a) The complete as-built SWMP certified by a professional engineer licensed in the District of Columbia; and
- (b) Each supporting document specified in the Department's SWMG.

**A new Subsection 518.14 is added to read as follows:**

- 518.14 For single-family or two-family houses constructed as affordable housing, the Department may approve a SWMP that does not achieve the stormwater management performance requirements of this chapter, provided that:
- (a) All of the following conditions are satisfied:
    - (1) Land-disturbing activity on any single record lot or tax lot is less than five thousand square feet (5,000 ft<sup>2</sup>);
    - (2) The applicant submits a request to the Department using the procedure for a request for relief from extraordinarily difficult site conditions, as described in § 526;
    - (3) The Department reviews the request using the same procedure by which the Department reviews and makes determinations for relief from extraordinarily difficult site conditions, as described in § 526; and
    - (4) The Department determines that the project takes all practicable steps to comply with the stormwater management performance requirements of this chapter; and
  - (b) Within thirty (30) days of sale of the house that received SWMP approval pursuant to § 518.14, the purchaser shall provide proof to the Department that the purchaser's household income is no greater than eighty percent (80%) of Area Median Income. If the owner fails to provide proof, the Department may require full compliance with the stormwater management performance requirements.

**A new Subsection 518.15 is added to read as follows:**

- 518.15 For structures at public parks and trails for non-motorized vehicles, the Department may approve a SWMP that does not achieve the stormwater management performance requirements of this chapter, provided that:
- (a) The pre-project land cover is impervious cover or compacted cover;
  - (b) The area consists solely of:
    - (1) Pavilions, sheds, dugouts, or similar structures located at public parks that are less than two thousand five hundred square feet (2,500 ft<sup>2</sup>) each and do not include typical building infrastructure to support year-round use; or

- (2) Trails for pedestrians or non-motorized vehicles for projects that do not consist of reconstruction of a roadway and its adjacent sidewalks;
- (c) The applicant submits to the Department with the SWMP:
  - (1) A detailed explanation of each opportunity for on-site installation of a BMP that was considered and rejected, and the reason for each rejection;
  - (2) Evidence of site conditions limiting each opportunity for a BMP, including, as applicable:
    - (A) Data on soil and groundwater contamination;
    - (B) Data from percolation testing;
    - (C) Documentation of the presence of utilities requiring impermeable protection or a setback;
    - (D) Evidence of the applicability of a statute, regulation, court order, pre-existing covenant, or other restriction having the force of law;
    - (E) The usability of space to achieve the proposed project purpose;
    - (F) Lack of the minimum CDA required for a BMP to be effective;
    - (G) The difficulty of conducting BMP maintenance; and
  - (3) Evidence of the sensitivity of receiving waterbody to stormwater runoff;
  - (4) Evidence of the likelihood of runoff from the site to cause to erosion of land, transport of sediment, nuisance flooding; and
- (d) The Department determines that the project takes all practicable steps to comply with the stormwater management performance requirements of this chapter.



**Section 519, STORMWATER MANAGEMENT: PLAN, is amended as follows:**

**Subsection 519.9 is amended to read as follows:**

519.9 A SWMP for a project shall be consistent with all other permitting submittals to the District.

**Section 520, STORMWATER MANAGEMENT: PERFORMANCE REQUIREMENTS FOR MAJOR LAND-DISTURBING ACTIVITY, is amended as follows:**

**Subsection 520.3 is amended to read as follows:**

520.3 A site that undergoes a major land-disturbing activity shall achieve retention of the rainfall from a 1.2 inch rainfall event, which is the ninetieth (90th) percentile rainfall event for the District of Columbia, measured for a twenty-four (24)-hour rainfall event with a seventy-two (72)-hour antecedent dry period by:

- (a) Employing each BMP necessary to retain the 1.2 inch Stormwater Retention Volume (SWR<sub>v</sub>), calculated as follows:

$$SWR_v = P \times [(R_{vI} \times I) + (R_{vC} \times C) + (R_{vN} \times N)] \times 7.48 / 12$$

- SWR<sub>v</sub> = volume, in gallons, required to be retained
- P = 90th percentile rainfall event for the District (1.2 inches)
- R<sub>vI</sub> = 0.95 (runoff coefficient for impervious cover)
- R<sub>vC</sub> = 0.25 (runoff coefficient for compacted cover)
- R<sub>vN</sub> = 0.00 (runoff coefficient for natural cover)
- I = post-development site area in impervious cover
- C = post-development site area in compacted cover
- N = post-development site area in natural cover

where the surface area under a BMP shall be calculated as part of the impervious cover (I);

- (b) Employing each post-development land cover factored into the SWR<sub>v</sub>; and
- (c) Calculating separately and achieving the SWR<sub>v</sub>, with P equal to 1.2 inches, for the portion of land-disturbing activity that is in the existing PROW, in compliance with the section of this chapter pertaining to performance requirements in the existing PROW.

**Subsection 520.4 is amended to read as follows:**

- 520.4 A site that undergoes a major land-disturbing activity may achieve the 1.2 inch SWRv on-site or through a combination of on-site retention and off-site retention, under the following conditions:
- (a) The site shall retain on-site a minimum of fifty percent (50%) of the 1.2 inch SWRv, calculated for the entire site, unless:
    - (1) The Department approves an application for relief from extraordinarily difficult site conditions; or
    - (2) The site drains into the combined sewer system (CSS) from a drainage area that is not:
      - (A) Targeted for green infrastructure implementation under a court-approved consent decree, as determined using the tools available in the Department's submittal database; or
      - (B) Targeted for sewer separation under a court-approved consent decree, as documented in capital improvement budgets; and
  - (b) The site shall use off-site retention for the portion of the SWRv that is not retained on-site.

**Subsection 520.5 is amended to read as follows:**

- 520.5 A site that undergoes a major land-disturbing activity may achieve on-site retention by retaining more than the 1.2 inch SWRv for an area of the site, subject to the following conditions:
- (a) Unless a Site Drainage Area (SDA) drains into the CSS or the Department approves an application for relief from extraordinarily difficult site conditions, at least fifty percent (50%) of the 1.2 inch SWRv from the SDA shall be:
    - (1) Retained; or
    - (2) Treated to remove eighty percent (80%) of total suspended solids;
  - (b) Unless an SDA drains into the CSS or the Department approves an application for relief from extraordinarily difficult site conditions, the entirety of an area intended for use or storage of motor vehicles shall drain

to each necessary BMP so that at least fifty percent (50%) of the 1.2 inch SWRv flowing from that entire area is retained or treated;

- (c) Retention in excess of a 1.2 inch SWRv for one area of the site may be applied to the volume required for another area of the site;
- (d) Unless the Department approves an application for relief from extraordinarily difficult site conditions, the requirement for retention of a minimum of fifty percent (50%) of the 1.2 inch SWRv for the entire site shall be achieved; and
- (e) Retention of volume greater than that from a 1.7 inch rainfall event, calculated using the SWRv equation as stated in § 520.3(a) with a P equal to 1.7 inches, shall not be counted toward on-site retention.

**Section 521, STORMWATER MANAGEMENT: PERFORMANCE REQUIREMENTS FOR MAJOR LAND-DISTURBING ACTIVITY CONSISTING OF BRIDGE, ROADWAY, AND STREETScape PROJECTS IN THE EXISTING PUBLIC RIGHT OF WAY, is amended as follows:**

**Subsection 521.6 is amended to read as follows:**

521.6 A major regulated project in the existing PROW may achieve on-site retention by retaining more than the 1.2 inch SWRv for an area of the site or for an area that drains to the site, subject to the following conditions:

- (a) Unless an SDA drains into the CSS or the Department approves an application for relief from extraordinarily difficult site conditions, at least fifty percent (50%) of the 1.2 inch SWRv from the SDA shall be:
  - (1) Retained; or
  - (2) Treated to remove eighty percent (80%) of total suspended solids to the MEP;
- (b) Unless an SDA drains into the CSS or the Department approves an application for relief from extraordinarily difficult site conditions, the entirety of an area intended for use or storage of motor vehicles shall drain to each necessary BMP so that at least fifty percent (50%) of the 1.2 inch SWRv flowing from that entire area is retained or treated to the MEP;
- (c) Retention in excess of a 1.2 inch SWRv for one area of the site or an area that drains to the site may be applied to the volume required for another area of the site;

- (d) The requirement for retention of a minimum of fifty percent (50%) of the 1.2 inch SWRV for the entire site shall be achieved, unless the project achieves retention of the SWRV to the MEP;
- (e) Any site that achieves less than fifty percent (50%) of the SWRV on-site shall use off-site retention generated outside the CSS, unless the project achieves retention of the SWRV to the MEP; and
- (f) Retention of volume greater than that from a 1.7 inch rainfall event, calculated using the SWRV equation with a P equal to 1.7 inches, shall not be counted toward on-site retention.

**Section 522, STORMWATER MANAGEMENT: PERFORMANCE REQUIREMENTS FOR MAJOR SUBSTANTIAL IMPROVEMENT ACTIVITY, is amended as follows:**

**Subsection 522.1 is amended to read as follows:**

522.1 If land disturbance associated with a major substantial improvement activity constitutes a major land disturbing activity, or is part of a common plan of development with a major land disturbing activity, then it shall comply with the performance requirements for a major land disturbing activity; otherwise it shall comply with the provisions of this section.

**Subsection 522.4 is amended to read as follows:**

522.4 A site that undergoes a major substantial improvement activity shall achieve retention of the rainfall from a 0.8 inch rainfall event, which is the eightieth (80th) percentile rainfall event for the District of Columbia, measured for a twenty-four (24)-hour storm with a seventy-two (72)-hour antecedent dry period by:

- (a) Employing each BMP necessary to retain the 0.8 inch SWRV, calculated as follows:

$$SWRV = P \times [(Rv_I \times I) + (Rv_C \times C) + (Rv_N \times N)] \times 7.48 / 12$$

- SWRV = volume, in gallons, required to be retained
- P = 80<sup>th</sup> percentile rainfall event for the District (0.8 inches)
- Rv<sub>I</sub> = 0.95 (runoff coefficient for impervious cover)
- Rv<sub>C</sub> = 0.25 (runoff coefficient for compacted cover)
- Rv<sub>N</sub> = 0.00 (runoff coefficient for natural cover)
- I = post-development site area in impervious cover
- C = post-development site area in compacted cover
- N = post-development site area in natural cover

where site area includes substantially improved building footprint plus land disturbance and where the surface area under a BMP shall be calculated as part of the impervious cover (I);

- (b) Employing each post-development land cover factored into the SWRv; and
- (c) Calculating separately and achieving the SWRv, with P equal to 1.2 inches, for the portion of land-disturbing activity that is in the existing PROW, in compliance with § 521.

**Subsection 522.5 is amended to read as follows:**

522.5 A site that undergoes a major substantial improvement activity may achieve the 0.8 inch SWRv on-site or through a combination of on-site retention and off-site retention, under the following conditions:

- (a) The site shall retain on-site a minimum of fifty percent (50%) of the 0.8 inch SWRv, calculated for the entire site, unless:
  - (1) The Department approves an application for relief from extraordinarily difficult site conditions; or
  - (2) The site drains into the CSS from a drainage area that is not:
    - (A) Targeted for green infrastructure implementation under a court-approved consent decree, as determined using the tools available in the Department's submittal database; or
    - (B) Targeted for sewer separation under a court-approved consent decree, as documented in capital improvement budgets; and
- (b) The site shall use off-site retention for the portion of the SWRv that is not retained on-site.

**Subsection 522.6 is amended to read as follows:**

522.6 A site that undergoes a major substantial improvement activity may achieve on-site retention by retaining more than the 0.8 inch SWRv for an area of the site, subject to the following conditions:

- (a) Unless an SDA drains into the CSS or the Department approves an application for relief from extraordinarily difficult site conditions, at least fifty percent (50%) of the 0.8 inch SWRv from the SDA shall be:

- (1) Retained; or
- (2) Treated to remove eighty percent (80%) of total suspended solids;
- (b) Unless an SDA drains into the CSS or the Department approves an application for relief from extraordinarily difficult site conditions, the entirety of an area intended for use or storage of motor vehicles shall drain to each necessary BMP so that at least fifty percent (50%) of the 0.8 inch SWR<sub>v</sub> flowing from that entire area is retained or treated;
- (c) Retention in excess of a 0.8 inch SWR<sub>v</sub> for one area of the site may be applied to the volume required for another area of the site;
- (d) Unless the Department approves an application for relief from extraordinarily difficult site conditions, the requirement for retention of a minimum of fifty percent (50%) of the 0.8 inch SWR<sub>v</sub> for the entire site shall be achieved; and
- (e) Retention of volume greater than that from a 1.7 inch rainfall event, calculated using the SWR<sub>v</sub> equation with a P equal to 1.7 inches, shall not be counted toward on-site retention.

**Section 524, STORMWATER MANAGEMENT: PERFORMANCE REQUIREMENTS FOR MAJOR REGULATED PROJECTS IN THE ANACOSTIA WATERFRONT DEVELOPMENT ZONE, is amended as follows:**

**Subsection 524.4 is amended to read as follows:**

524.4 An AWDZ site that undergoes a major land-disturbing activity shall achieve treatment of the rainfall from a 1.7 inch rainfall event, which is the ninety-fifth (95th) percentile rainfall event for the District of Columbia, measured for a twenty-four (24)-hour rainfall event with a seventy-two (72)-hour antecedent dry period by:

- (a) Employing each BMP necessary to treat the 1.7 inch WQT<sub>v</sub> equal to the difference between:
  - (1) The post-development runoff from the 1.7 inch rainfall event; and
  - (2) The 1.2 inch SWR<sub>v</sub>;
- (b) Calculating the WQT<sub>v</sub> in subsection (a) as follows:

$$WQT_v = (P \times [(R_{vI} \times I) + (R_{vC} \times C) + (R_{vN} \times N)] \times 7.48 / 12) - SWR_v$$

- WQT<sub>v</sub> = volume, in gallons, required to be retained or treated, above and beyond the SWR<sub>v</sub>
- SWR<sub>v</sub> = volume, in gallons, required to be retained
- P = 95<sup>th</sup> percentile rainfall event for the District (1.7 inches)
- R<sub>vI</sub> = 0.95 (runoff coefficient for impervious cover)
- R<sub>vC</sub> = 0.25 (runoff coefficient for compacted cover)
- R<sub>vN</sub> = 0.00 (runoff coefficient for natural cover)
- I = post-development site area in impervious cover
- C = post-development site area in compacted cover
- N = post-development site area in natural cover

where site area includes substantially improved building footprint plus land disturbance and where the surface area under a BMP shall be calculated as part of the impervious cover (I); and

- (c) Employing each post-development land cover factored into the WQT<sub>v</sub>.

**Subsection 524.5 is amended to read as follows:**

524.5 An AWDZ site that undergoes a major substantial improvement activity and does not undergo a major land-disturbing activity shall:

- (a) Comply with the performance requirements for major substantial improvement activity, except that the SWR<sub>v</sub> shall be equal to the post-development runoff from a 1.0 inch rainfall event, which is the eighty-fifth (85th) percentile rainfall event for the District of Columbia, measured for a twenty-four (24)-hour rainfall event with a seventy-two (72)-hour antecedent dry period;
- (b) Achieve treatment of the rainfall from a 1.7 inch rainfall event, which is the ninety-fifth (95th) percentile rainfall event for the District of Columbia, measured for a twenty-four (24)-hour rainfall event with a seventy-two (72)-hour antecedent dry period by:
  - (1) Employing each BMP necessary to treat the 1.7 inch WQT<sub>v</sub> equal to the difference between:
    - (A) The post-development runoff from the 1.7 inch rainfall event; and
    - (B) The 1.0 inch SWR<sub>v</sub>;

- (2) Calculating the WQT<sub>v</sub> in subsection (b) as follows:

$$WQT_v = (P \times [(R_{vI} \times I) + (R_{vC} \times C) + (R_{vN} \times N)] \times 7.48 / 12) - SWR_v$$

- WQTV = volume, in gallons, required to be retained or treated, above and beyond the SWRV
- SWRV = volume, in gallons, required to be retained
- P = 95<sup>th</sup> percentile rainfall event for the District (1.7 inches)
- RV<sub>I</sub> = 0.95 (runoff coefficient for impervious cover)
- RV<sub>C</sub> = 0.25 (runoff coefficient for compacted cover)
- RV<sub>N</sub> = 0.00 (runoff coefficient for natural cover)
- I = post-development site area in impervious cover
- C = post-development site area in compacted cover
- N = post-development site area in natural cover

where site area includes substantially improved building footprint plus land disturbance and where the surface area under a BMP shall be calculated as part of the impervious cover (I); and

- (3) Employing each post-development land cover factored into the WQTV.

**Subsection 524.7 is amended to read as follows:**

- 524.7 An AWDZ site may achieve part of the WQTV or SWRV by using off-site retention if:
  - (a) Site conditions make compliance technically infeasible, environmentally harmful, or of limited appropriateness in terms of impact on surrounding landowners or overall benefit to District waterbodies;
  - (b) The Department approves an application for relief from extraordinarily difficult site conditions; and
  - (c) The off-site retention is from outside the CSS.

**Section 526, STORMWATER MANAGEMENT: RELIEF FROM EXTRAORDINARILY DIFFICULT SITE CONDITIONS, is amended as follows:**

**Subsection 526.1 is amended to read as follows:**

- 526.1 The applicant may apply for relief from extraordinarily difficult site conditions if it is technically infeasible or environmentally harmful:
  - (a) For a site to comply with the minimum on-site retention requirement (fifty percent (50%) of Stormwater Retention Volume (SWRV));



- (b) For an Anacostia Waterfront Development Zone (AWDZ) site to comply with any portion of its WQTV or SWRV on-site, except that AWDZ sites may also apply based on the limited appropriateness of on-site stormwater management; or
- (c) For a site to comply with the minimum on-site retention or treatment requirements for SDAs (fifty percent (50%) retention or treatment of the SWRV from each SDA and fifty percent (50%) retention or treatment of the SWRV from the entire vehicular access area).

**Subsection 526.3 is amended to read as follows:**

526.3 In order to support its case for relief, the applicant shall provide the following information demonstrating technical infeasibility or environmental harm:

- (a) Detailed explanation of each opportunity for on-site installation of a Best Management Practice (BMP) that was considered and rejected, and the reasons for each rejection;
- (b) Evidence of site conditions limiting each opportunity for a BMP, including, as applicable:
  - (1) Data on soil and groundwater contamination;
  - (2) Data from percolation testing;
  - (3) Documentation of the presence of utilities requiring impermeable protection or a setback;
  - (4) Evidence of the applicability of a statute, regulation, court order, pre-existing covenant, or other restriction having the force of law;
  - (5) Evidence that the installation of a retention BMP would conflict with the terms of a non-expired approval, applied for prior to the end of Transition Period Two A for a major land-disturbing activity or before the end of Transition Period Two B for a major substantial improvement activity, of a:
    - (A) Concept review by the Historic Preservation Review Board;
    - (B) Concept review by the Commission on Fine Arts;
    - (C) Preliminary or final design submission by the National Capital Planning Commission;

- (D) Variance or special exception from the Board of Zoning Adjustment; or
- (E) Large Tract Review by the District Office of Planning;
- (6) For a utility, evidence that a property owner on or under whose land the utility is conducting work objects to the installation of a BMP;
- (7) For a major substantial improvement activity, evidence that the structure cannot accommodate a BMP without significant alteration, because of a lack of available interior or exterior space or limited load-bearing capacity; and
- (8) For single- and two-family affordable housing, evidence of:
  - (A) The usability of space to achieve the proposed project purpose;
  - (B) Lack of the minimum CDA required for a BMP to be effective;
  - (C) The difficulty of conducting BMP maintenance;
- (c) For single- and two-family affordable housing:
  - (1) Evidence of the sensitivity of receiving waterbody to stormwater runoff; and
  - (2) Evidence of the likelihood of runoff from the site to cause to erosion of land, transport of sediment, nuisance flooding.

**Subsection 526.4 is amended to read as follows:**

526.4 An applicant for relief shall submit to the Department’s submittal database:

- (a) A complete application; and
- (b) Proof of payment of the applicable fee.

**Section 527, STORMWATER MANAGEMENT: USE OF OFF-SITE RETENTION THROUGH THE IN-LIEU FEE OR STORMWATER RETENTION CREDITS, is amended as follows:**

**Subsection 527.3 is amended to read as follows:**

- 527.3 A person shall achieve each gallon of Offv for each year by:
- (a) Using one (1) Department-certified Stormwater Retention Credit (SRC) subject to the conditions in § 527.9; or
  - (b) Paying the in-lieu fee to the Department.

**Subsection 527.9 is amended to read as follows:**

- 527.9 Except for as specified for an Anacostia Waterfront Development Zone site, a person using a Department-certified SRC to achieve a gallon of Offv shall use an SRC generated in the following location:
- (a) For a site that drains to the CSS:
    - (1) If the site achieves at least fifty percent (50%) of the SWRv on-site, the SRC can be generated without regard to the location; or
    - (2) If the site achieves less than fifty percent (50%) of the SWRv on-site:
      - (A) If the site is located in a part of the CSS that is not targeted for green infrastructure implementation under a court-approved consent decree, the SRC must be generated outside the CSS;
      - (B) If the site is located in a part of the CSS that is targeted for green infrastructure implementation under a court-approved consent decree, the SRC must be generated in a part of the CSS that is targeted for green infrastructure implementation under a court-approved consent decree or outside the CSS; or
      - (C) If the Department determines that the SRC is generated according to a SWMP that is part of the same common plan of development as the site with Offv, then the SRC may be used to satisfy the Offv for that site without regard to the location; or

- (b) For a site that does not drain to the CSS, the SRC must be generated outside the CSS, except:
- (1) If a site has a SWMP with an Offv approved by the Department prior to April 30, 2020, then an SRC generated by the site owner may be used from a site in the CSS that received SWMP approval from the Department prior to April 30, 2020; or
  - (2) If SRCs are purchased prior to April 30, 2020, or are purchased in accordance with a contract signed prior to April 30, 2020, then the SRCs may be used without regard to the location where they were generated.

**Section 528, STORMWATER MANAGEMENT: MAINTENANCE, is amended as follows:**

**A new Subsection 528.12 is added to read as follows:**

528.12 The Department may approve the elimination of an Offv obligation for a previously approved project that would not have an Offv obligation under §§ 517.7 or 518.14 provided that each on-site BMP is maintained in accordance with the approved SWMP for the project.

**A new Subsection 528.13 is added to read as follows:**

528.13 A person seeking Departmental approval to eliminate an Offv obligation in accordance with § 528.12 shall submit a request through the Department's submittal database and attach a letter explaining why the project qualifies for § 528.12. In determining whether to approve the request, the Department may consider the criteria in §§ 517.7 or 518.14.

**A new Subsection 528.14 is added to read as follows:**

528.14 If the Department approves the elimination of an Offv obligation, the Department may pro-rate the amount of SRCs used or in-lieu fee payment through the date of approval and return any unused SRCs or refund any excess in-lieu fee payment in accordance with § 527.17 and the applicant shall revise the declaration of covenants, if necessary, in accordance with § 529.4.

**Section 531, STORMWATER MANAGEMENT: CERTIFICATION OF STORMWATER RETENTION CREDITS, is amended as follows:**

**Subsection 531.14 is amended to read as follows:**

531.14 The Department may refuse to certify an SRC for a person:

- (a) Who is currently out of compliance with an Offv obligation for a property; or
- (b) Who is an original SRC owner for another SRC but is currently not maintaining the associated BMP or land cover as promised to receive certification for that other SRC pursuant to § 531.9.

**A new Subsection 531.16 is added to read as follows:**

531.16 A person may apply for certification of an SRC for a gallon of retention capacity in a BMP or land cover only if:

- (a) The first complete application for certification of an SRC for retention capacity in the BMP or land cover is filed within three (3) years of the Department’s final inspection or completion of the BMP installation as determined by the Department if no final inspection was required, or before July 31, 2020, whichever is later; and
- (b) Any subsequent complete application for certification of an SRC for retention capacity in the BMP or land cover is submitted not later than six (6) months after the end of the preceding period of time for which the Department had certified an SRC for the retention capacity.

**Section 534, STORMWATER MANAGEMENT: CERTIFICATION OF STORMWATER RETENTION CREDITS FOR A BEST MANAGEMENT PRACTICE OR LAND COVER INSTALLED BEFORE EFFECTIVE DATE OF STORMWATER RETENTION PERFORMANCE REQUIREMENTS, is amended as follows:**

**A new Subsection 534.4 is amended to read as follows:**

534.4 The Department may certify an SRC for a gallon of retention capacity in a BMP or land cover installed before July 1, 2013, only if:

- (a) The first complete application for certification of an SRC for retention capacity in the BMP or land cover is filed on or before July 31, 2020; and
- (b) Any subsequent complete application for certification of an SRC for retention capacity in the BMP or land cover is submitted not later than six (6) months after the end of the preceding period of time for which the Department had certified an SRC for the retention capacity.

**Section 541, SOIL EROSION AND SEDIMENT CONTROL: EXEMPTIONS, is amended as follows:**

**Subsection 541.1 is amended to read as follows:**

- 541.1 The following land-disturbing activities are exempt from the requirement to comply with the soil erosion and sediment control provisions of this chapter, except as noted below and in § 540 (Soil Erosion and Sediment Control: Applicability):
- (a) For a single- or two-family house, townhouse, or rowhouse:
    - (1) Gardening;
    - (2) Landscaping;
    - (3) Repairs;
    - (4) Maintenance;
    - (5) Stormwater retrofits, provided that:
      - (A) The soil allows for percolation; and
      - (B) The retrofit location is no closer than ten feet (10 ft) from a building foundation;
    - (6) Utility service connection, repair, or upgrade;
  - (b) A project for which the total cost is less than nine thousand, eight hundred and twenty-two dollars and twenty-nine cents (\$9,822.29);
  - (c) Installation of fencing, a gate, signpost, or a pole;
  - (d) Emergency work to protect life, limb or property, and emergency repairs, except that the following is not exempted to the extent described:
    - (1) The land disturbed must still be shaped and stabilized in accordance with the requirements of this chapter;
    - (2) Generally applicable control measures shall be used; and
    - (3) A plan shall be submitted to the Department's submittal database within three (3) weeks after beginning the emergency work; and
  - (e) Activities that disturb less than fifty square feet (50 ft<sup>2</sup>).

**Section 542, SOIL EROSION AND SEDIMENT CONTROL: PLAN, is amended as follows:**

**Subsection 542.8 is amended to read as follows:**

542.8 The applicant shall submit one (1) electronic set of the soil erosion and sediment control plan to the Department for review via the Department's submittal database. For projects that receive a walkthrough permit review, the applicant shall also submit one (1) paper set of the soil erosion and sediment control plan to the Department.

**Subsection 542.10 is amended to read as follows:**

542.10 After receiving notification that a soil erosion and sediment control plan meets the requirements for the Department's approval, the applicant shall submit to the Department's submittal database a final preconstruction application including:

- (a) The complete plan; and
- (b) Proof that each applicable fee for Department services has been paid.

**Section 543, SOIL EROSION AND SEDIMENT CONTROL: REQUIREMENTS, is amended as follows:**

**Subsection 543.10 is amended to read as follows:**

543.10 A site disturbing five thousand or more square feet ( $\geq 5,000$  ft<sup>2</sup>) of land shall:

- (a) Adhere to a SWPPP that:
  - (1) The Department provides in its SWMG;
  - (2) The Department approves as including the minimum measures in the Department-provided SWPPP; or
  - (3) Is required under the Construction General Permit issued by Region III of the United States Environmental Protection Agency; and
- (b) Post a legible copy of the SWPPP on-site.

**Section 547, SOIL EROSION AND SEDIMENT CONTROL: RESPONSIBLE PERSONNEL, is amended as follows:**

**Subsection 547.3 is amended to read as follows:**

547.3 A responsible person shall be:

- (a) Licensed in the District of Columbia as a land surveyor, architect, or civil, environmental, or geotechnical engineer; or
- (b) Certified through a training program that the Department approves, including a course on erosion control provided by another jurisdiction or professional association.

**Section 552, TRANSITION, is amended as follows:**

**Subsection 552.3 is amended to read as follows:**

552.3 A major regulated project shall comply with the stormwater management requirements of §§ 552.1 and 552.2 that are enforced at the time it submits a complete SWMP, as required under § 518.4, if:

- (a) The project must re-apply for a building permit because the preceding permit has expired under 12-A DCMR § 105.5 or the permit application had been abandoned under 12-A DCMR § 105.3.7; or
- (b) The project applies for a building permit after the approving body's approval of an Advanced Design (AD) has expired.

**A new Subsection 552.5 is amended to read as follows:**

552.5 This section shall not apply to a complete stormwater management plan submitted to the Department after July 31, 2020.

**Section 599, DEFINITIONS, Subsection 599.1, is amended by adding or amending the following definitions:**

**Affordable Housing** – a single-family or two-family house that is built to be offered for rent or for sale for residential occupancy below market value and is made available to, and affordable to, a household whose income is equal to, or less than, eighty percent (80%) of the Area Median Income calculation provided by the United States Department of Housing and Urban Development.



**Anacostia Waterfront Development Zone (AWDZ)** - the following areas of the District of Columbia, as delineated on a map in the Department's Stormwater Management Guidebook:

- (a) Interstate 395 and all rights-of-way of Interstate 395, within the District, except for the portion of Interstate 395 that is north of E Street, S.W., or S.E.;
- (b) All land between that portion of Interstate 395 that is south of E Street, S.W. or S.E., and the Anacostia River or Washington Channel;
- (c) All land between that portion of Interstate 695, and all rights of way, that are south of E Street, S.W. or S.E., and the Anacostia River;
- (d) The portion of Interstate 295 that is north of the Anacostia River, within the District, and all rights-of-way of that portion of Interstate 295;
- (e) All land between that portion of Interstate 295 that is north of the Anacostia River and the Anacostia River;
- (f) The portions of:
  - (1) The Anacostia Freeway that are north or east of the intersection of the Anacostia Freeway and Defense Boulevard and all rights-of-way of that portion of the Anacostia Freeway;
  - (2) Kenilworth Avenue that extend to the northeast from the Anacostia Freeway to Eastern Ave; and
  - (3) Interstate 295, including its rights-of-way that are east of the Anacostia River and that extends to the southwest from the Anacostia Freeway to Defense Boulevard;
- (g) All land between those portions of the Anacostia Freeway, Kenilworth Avenue, and Interstate 295 described in subparagraph (f) of this definition and the Anacostia River;
- (h) All land that is adjacent to the Anacostia River and designated as parks, recreation, and open space on the District of Columbia Generalized Land Use Map, dated January 2002, except for the land that is:
  - (1) North of New York Avenue, N.E.;
  - (2) East of the Anacostia Freeway, including rights-of-way of the Anacostia Freeway;

- (3) East of the portion of Kenilworth Avenue that extends to the northeast from the Anacostia Freeway to Eastern Avenue;
  - (4) East of the portion of Interstate 295, including its rights-of-way, that is east of the Anacostia River and that extends to the southwest from the Anacostia Freeway to Defense Boulevard, but excluding the portion of 295 and its rights-of-way that go to the northwest across the Anacostia River;
  - (5) Contiguous to that portion of the Suitland Parkway that is south of Martin Luther King, Jr. Avenue; or
  - (6) South of a line drawn along, and as a continuation both east and west of the center line of the portion of Defense Boulevard between Brookley Avenue, S.W., and Mitscher Road, S.W.;
- (i) All land, excluding Eastern High School, that is:
    - (1) Adjacent to the land described in subparagraph (h) of this definition;
    - (2) West of the Anacostia River; and
    - (3) Designated as a local public facility on the District of Columbia Generalized Land Use Map, dated January 2002;
  - (j) All land that is:
    - (1) South or east of that portion of Potomac Avenue SE, between Interstate 295 and 19th Street, S.E.; and
    - (2) West or north of the Anacostia River;
  - (k) The portion of the Anacostia River within the District; and
  - (l) The Washington Channel.

**Athletic playing fields** - Compacted land cover and synthetic surfaces that are constructed primarily for use for athletic activities at schools and public parks. Compacted land cover and synthetic surfaces for which athletic activities are not the primary use are not considered athletic playing fields, unless these areas are necessary to support use of an adjacent area that is primarily used for athletic activities.

**Combined sewer overflow (CSO)** – The discharge of untreated effluent into a water body as a result of the combined volume of stormwater and sanitary

water exceeding the capacity of the combined sewer system and wastewater treatment plant.

**Combined sewer system (CSS)** – Sewer system in which stormwater runoff is conveyed together with sanitary wastewater through sewer lines to a wastewater treatment plant.

**Department’s submittal database** - An online platform managed by the Department and accessible to the public that the Department uses to receive applications and make approval determinations.

**Major land-disturbing activity** - Activity that disturbs, or is part of a common plan of development that disturbs, a land area of five thousand square feet (5,000 ft<sup>2</sup>) or greater, and:

- (a) Some area of the pre-project land cover is natural; or
- (b) Two thousand five hundred square feet (2,500 ft<sup>2</sup>) or greater of the post-project land cover is impervious.

Multiple distinct areas that each disturb less than five thousand square feet (5,000 ft<sup>2</sup>) of land and that are in separate, non-adjacent sites do not constitute a major land-disturbing activity.

**Major substantial improvement activity** - Substantial improvement activity and associated land-disturbing activity, including such activities that are part of a common plan of development, for which the combined footprint of improved building and land-disturbing activity is five thousand square feet (5,000 ft<sup>2</sup>) or greater, and:

- (a) Some area of the pre-project land cover is natural; or
- (b) Two thousand five hundred square feet (2,500 ft<sup>2</sup>) or greater of the post-project land cover is impervious.

A major substantial improvement activity may include a substantial improvement activity that is not associated with land disturbance.

**Permeable athletic track** - A surface, including a surface made of synthetic material, located at a school or public park that is used for athletic purposes including biking, running, and walking, and that allows the infiltration of water into the ground.

**Permeable playground surface** - A surface, including a surface made of synthetic material, located under a playground area at a school or public park, that allows the infiltration of water into the ground.

**Single- or two-family house** - An individual house, townhouse, or rowhouse designed and used for occupancy by one or two families. An individual house, townhouse, or rowhouse that has been physically altered for use by more than one or two families is not considered a single- or two-family house.

**Site Drainage Area (SDA)** - The area that drains stormwater from the site to a single discharge point or sheet flows from a single area off the site.

**Stormwater Management Guidebook (SWMG)** - The current manual published by the Department, and available on the Department's website, containing design criteria, specifications, and equations to be used for planning, design, construction, operation, and maintenance of a site and each best management practice on the site.

**Stormwater Retention Credit (SRC)** - One gallon (1 gal.) of retention for one (1) year, as certified by the Department.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (DC Health), pursuant to authority set forth in Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (“the Act”), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04(a)(1) and 2-1801.05 (2016 Repl.)), Sections 4902(a) and (b) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(11) and (b) (2018 Repl.)), and Mayor’s Order 2004-46(2) and (3)(v), dated March 22, 2004, hereby gives notice of the adoption of new aquatic facility infractions in Chapter 36 (Department of Health (DOH) Infractions), Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

These rules establish a new Section 3621 schedule of fines for swimming pool, spa, and sauna operations to correspond with the Department of Health’s Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas in Title 25 (Food Operations and Community Hygiene Facilities), Subtitle C (Swimming Pool and Spa Regulations) of the DCMR, published in the *D.C. Register* on June 9, 2017, at 64 DCR 005359.

A Notice of Proposed Rulemaking was published in the *D.C. Register* at 66 DCR 7431 (June 21, 2019). On September 13, 2019, the Notice of Second Proposed Rulemaking was published in the *D.C. Register* at 66 DCR 012182. DC Health did not receive any comments and no changes were made to this Notice of Final Rulemaking. These rules were adopted as final on November 18, 2019, and will take effect immediately upon publication of this Notice in the *D.C. Register*.

Additions to Class 1 Infractions:

Commenter: Innovative Water Care, LLC

Comment: This letter is in regards to Notice ID N0083324, the proposed rulemaking for Aquatic Facilities Regulations. These proposed rules establish a new Section 3621 Schedule of Fines for swimming pool and spa operations, to correspond with the Notice of Final Rulemaking for Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas in Subtitle C of Title 25 DCMR, which was published in the *D.C. Register* on June 9, 2017, at 64 DCR 005359. We are glad to hear that you are considering a list of infractions that are imminent health hazards requiring immediate closure of swimming pools. To protect public health, it is important to prioritize the code violations that could result in serious illness or injury to swimmers. Following are some suggested changes to the current draft along with the justification for the changes.

The following sections in §3621.2 Class 2 infractions should be moved to § 3621.1 Class 1 infractions.

- (d) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);

- (e) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (f) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b)[.]

These changes are consistent with the text in the Centers for Disease Control and Prevention (CDC) Model Aquatic Health Code (MAHC 2018). Section 6.6.3 of the MAHC provides a list of imminent health hazards requiring immediate correction or closure, including pH less than 6.5, pH greater than 8.0 and “failure to provide the minimum disinfectant residual levels.”

In addition to moving these sections, the following text should be added to 3621.1:

The cyanuric acid level is above the maximum in violation of 25-C DCMR § 404.2(e);

The active form of chlorine in pools is hypochlorous acid. Cyanuric acid binds chlorine and lowers the hypochlorous acid concentration, thereby lowering the concentration of active disinfectant. An excessive concentration of cyanuric acid represents a situation where insufficient disinfectant is present and so is an imminent health hazard. Recent work has shown the increased risk of illness with cyanuric acid (Falk 2019). In addition, the U.S. Environmental Protection Agency (EPA) has recently notified drinking water primacy agencies of the effects of cyanuric acid and the importance of maintaining a sufficient hypochlorous acid residual (EPA 2018 and Wahman 2018).

Department of Health’s Response:

Section 3621.1 is amended as follows:

- (b) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);
- (c) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (d) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b); and
- (e) Operating an aquatic facility with cyanuric acid level in excess of 100 ppm in violation of 25-C DCMR § 404.2(e)[.]

**Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND INFRACTIONS, is amended as follows:**

**Section 3621, SWIMMING POOL & SPA OPERATIONS INFRACTIONS, is amended to read as follows:**

**3621 AQUATIC FACILITIES INFRACTIONS**

3621.1 Violations of the following provisions that are imminent health and safety hazards that are either confirmed or negligent or inherently dangerous shall be a Class 1 infraction:

- (a) Operating an aquatic facility with an unapproved or contaminated water supply source for potable water use in violation of 25-C DCMR §§ 400 and 401;
- (b) Operating an aquatic facility with water quality pH level below 6.5 in violation of 25-C DCMR § 404.2(a)(1);
- (c) Operating an aquatic facility with water quality pH level above 8.0 in violation of 25-C DCMR § 404.2(a)(2);
- (d) The disinfectant level is below the minimum or above the maximum in violation of 25-C DCMR § 404.2(b);
- (e) Operating an aquatic facility with cyanuric acid level in excess of 100 ppm in violation of 25-C DCMR § 404.2(e);
- (f) Operating an aquatic facility with contaminated water not treated or improperly treated with disinfectants in violation of 25-C DCMR §§ 406 and 411;
- (g) Operating an aquatic facility that is not retrofitted with a properly sized and piped collector tank to eliminate direct suction through the main drain in violation of 25-C DCMR § 408.5;
- (h) Operating an aquatic facility with direct suction without installing a main drain cover that meets the ANSI/ASME A112.19.8-2007 standard for drain covers in violation of 25-C DCMR § 408.6;
- (i) Operating an aquatic facility with a single main drain (other than an unblockable drain) without being equipped with a device or system such as a safety vacuum release system to prevent entrapment in violation of 25-C DCMR § 408.7;

- (j) Operating an aquatic facility with improper plumbing cross-connections between the drinking water supply and aquatic facility water or between sewage system and the aquatic facility including filter backwash facilities in violation of 25-C DCMR §§ 601.1;
- (k) Operating an aquatic facility in violation of a Notice of Closure/Summary Suspension, Revocation, Suspension, Warnings, or other directives issued by the Department as specified in 25-C DCMR §§ 408.10, 607.4, 716, 801, 807, 811, and 812;
- (l) Using, selling, moving, or destroying equipment, chemicals, or other operational supplies subject to a Condemnation Order by the Department in violation of 25-C DCMR § 804.1;
- (m) Failing to report a death, serious injury, or injury that requires resuscitation or admission to a hospital occurring at a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of 25-C DCMR § 413.1;
- (n) Using compressed chlorine gas or chlorine gas in violation of 25-C DCMR §§ 608.3 and 608.4;
- (o) Failing to allow the Department access to a swimming pool, spa pool, or sauna in violation of 25-C DCMR § 710;
- (p) Removing required signs or Department posted warnings or closures in violation of 25-C DCMR §§ 715.3, 720.3, 805.1, and 901.1(b);
- (q) Operating an aquatic facility with conditions dangerous to the health, safety, or welfare of bathers or patrons at the swimming pool, spa pool, or sauna, including but not limited to:
  - (1) Accidents involving bodily fluids in violation of 25-C DCMR § 412.7;
  - (2) Violations of recent editions of the District of Columbia's Construction Codes Supplements, as specified in Subsection 102.1(1) and Chapter 6;
  - (3) A drowning hazard;
  - (4) Broken glass, sharp edged or broken tile, metal, or other abrasion hazards in the water or deck area;
  - (5) Operating an aquatic facility during a fire;
  - (6) Operating an aquatic facility when there is a flood;



- (7) Operating an aquatic facility with an interruption of municipal water service;
- (8) Operating an aquatic facility when there is a sewage backup;
- (9) Operating an aquatic facility with an onset of a confirmed waterborne illness;
- (10) An unapproved modification to a swimming pool, spa pool, or sauna determined by the Department to be unsanitary or dangerous to the public health, safety, or welfare;
- (11) Operating an aquatic facility with unprotected, overhead electrical wires within twenty (20) feet horizontally of the water of a swimming pool, spa pool, or sauna;
- (12) Operating an aquatic facility without a ground-fault circuit interrupter (GFCI) within twenty (20) feet of the inside wall of the aquatic facility designed to shut off electric power to protect people against electric shock from an electrical system or outlet; or
- (13) Operating an aquatic facility when a recirculation system or automatic disinfectant chemical feeding equipment is missing, malfunctioning, or not functioning.

3621.2 Violations of any of the following provisions shall be a Class 2 infraction:

- (a) Operating an aquatic facility with improper water temperatures in violation of 25-C DCMR § 202.1(b);
- (b) Operating an aquatic facility with a total absence of or improper depth markings in violation of 25-C DCMR §§ 402.3, and 402.4;
- (c) Operating an aquatic facility without proper water clarity from the pool deck in violation of 25-C DCMR §§ 402.1, 402.2, and 410.1;
- (d) Failing to continuously operate the aquatic facility's filtration equipment in violation of 25-C DCMR § 408.1, 408.3, 408.12, 409, and 410.3;
- (e) Operating an aquatic facility in violation of 25-C DCMR § 408.11;
- (f) Operating an aquatic facility with broken, unsecured, improperly secured, damaged or missing main drain grate or any submerged suction outlet grate in violation of 25-C DCMR §§ 408.16 and 408.18;
- (g) Operating an aquatic facility without required first aid and safety equipment on deck as specified in 25-C DCMR § 505;

- (h) Failing to properly handle, use, label, store, or ventilate chemicals in an aquatic facility in violation of 25-C DCMR §§ 607 or 608;
- (i) Using unapproved chemicals or applying chemicals by unapproved methods to an aquatic facility's water in violation of 25-C DCMR § 607.3;
- (j) Failing to prevent unauthorized access to an aquatic facility's machinery, electric panels, or chemicals used for the swimming pool, spa pool, or sauna in violation of 25-C DCMR § 607.7;
- (k) Operating an aquatic facility without the required personal protective equipment (PPE) to handle chemicals in violation of 25-C DCMR § 608.10(h);
- (l) Operating an aquatic facility with safety covers that do not meet strict performance standards as set by the American Society for Testing and Materials in ASTM Standard F1346-91, Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs in violation of 25-C DCMR § 610.10;
- (m) Operating an aquatic facility with safety covers that are improperly installed, or secured with continuous union to the deck in violation of 25-C DCMR § 505.5;
- (n) Failing to report a complaint of illness attributed by a bather to use of a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of 25-C DCMR § 413.2;
- (o) Owning, operating, or managing a swimming pool, spa pool, or sauna without a valid license issued by the Department in violation of 25-C DCMR § 700.1;
- (p) Failing to maintain plumbing systems, including but not limited to toilet facilities (restrooms), shower facilities and handwashing sinks in good repair in violation of 25-C DCMR § 606.1;
- (q) Owning, operating, or managing a swimming pool, spa pool, or sauna without required barriers and/or fencing; or, with barriers and/or fencing not approved by the Department in violation of 25-C DCMR § 610;
- (r) Owning, operating, or managing a swimming pool without a pool safety cover in violation of 25-C DCMR § 610.10;

- (s) Owning, operating, or managing a swimming pool, spa pool, or sauna with an expired or suspended license in violation of 25-C DCMR § 700.2;
- (t) Operating, or managing a public swimming pool, spa pool, or sauna without a valid Certificate of Occupancy in violation of 25-C DCMR § 700.3;
- (u) Failing to post licenses, Certificate of Occupancy, certifications, and current inspection reports in violation of 25-C DCMR § 708.2;
- (v) Failing to post required signs in violation of 25-C DCMR §§ 201 and 202; or
- (w) Failing to keep swimming pool, spa pool or sauna, or pool deck free of sediment, floating debris, visible dirt and algae in violation of 25-C DCMR § 503.6.

3621.3 Violations of any of the following provisions shall be a Class 3 infraction:

- (a) Operating an aquatic facility in violation of 25-C DCMR §§ 500, 501, 502, 503, and 504;
- (b) Operating an aquatic facility without an emergency lighting source, or failing to maintain an emergency lighting source in violation of 25-C DCMR § 504.5;
- (c) Operating an aquatic facility without hot water in violation of 25-C DCMR §§ 602.2 and 602.7;
- (d) Operating an aquatic facility with a bather load in violation of 25-C DCMR §§ 201.1(b), 202.1(d), and 304.1;
- (e) Serving as a lifeguard or swimming instructor without a current lifeguard or instructor certification issued by the American Red Cross, the YMCA, or other nationally recognized aquatic training organizations adopted and recognized by the Department in violation of 25-C DCMR §§ 302.3 and 302.4;
- (f) Serving as a lifeguard or swimming instructor without a current certification in First Aid, and in adult, child and infant Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED) issued by the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopedic Surgeons, or other nationally recognized aquatic training organizations adopted and recognized by the Department in violation of 25-C DCMR §§ 302.3 and 302.4;

- (g) Operating a swimming pool, spa pool, or sauna without the required number of lifeguards in violation of 25-C DCMR §§ 304;
- (h) Operating an aquatic facility without an approved Child Safety Plan, if applicable, or failing to provide copies of the facility’s Child Safety Plan to the Department for review and approval in violation of 25-C DCMR §§ 305;
- (i) Operating an aquatic facility without a Water Quality Test Kit in violation of 25-C DCMR §§ 405;
- (j) Operating an aquatic facility without maintaining daily water quality and safety logs in violation of 25-C DCMR §§ 412;
- (k) Serving as a pool and spa operator without a current Pool and Spa Operator’s Registration Card issued by the Department in violation of 25-C DCMR §§ 700.4; or
- (l) Constructing, installing, renovating or retrofitting, or operating any public swimming pool, spa pool, or sauna without first having received written approval from the Department of Health and the District Government in violation of 25-C DCMR §§ 705 and 706.

3621.4 Violations of any provision of the District’s Swimming Pool and Spa Regulations (Subtitle C, Title 25 of the DCMR), which is not cited elsewhere in this section shall be a Class 4 infraction.

**DEPARTMENT OF HEALTH****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health (DC Health), pursuant to authority set forth in Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (Civil Infractions Act), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04(a)(1) and 2-1801.05 (2016 Repl.)), Section 4902(a) of the Department of Health Functions Clarification Act of 2001 (Health Functions Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(13) and (b) (2018 Repl.)), Mayor's Order 2000-184, dated December 5, 2000, and Mayor's Order 2004-46(2) and (3)(u), dated March 22, 2004, hereby gives notice of intent to amend Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

These rules establish a new Section 3631 schedule of fines for Public Health Nuisances and Rodent Control in Title 16 DCMR, to correspond with DC Health's Public Health Nuisances and Rodent Control Regulations in Title 25 (Food Operations and Community Hygiene Facilities), Subtitle I (Public Health Nuisances and Rodent Control Regulations) of the DCMR, which were published in the *D.C. Register* on July 5, 2019 at 66 DCR 007951.

On October 4, 2019, the Notice of Proposed Rulemaking was published in the *D.C. Register* at 66 DCR 012992. DC Health did not receive any comments and no changes were made to this Notice of Final Rulemaking. These rules were adopted as final on November 18, 2019, and will take effect immediately upon publication of this Notice in the *D.C. Register*.

**Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, PRACTICES, AND INFRACTIONS, is amended as follows:**

**Section 3631, RODENT CONTROL INFRACTIONS, is amended to read as follows:**

**3631 PUBLIC HEALTH NUISANCES AND RODENT CONTROL INFRACTIONS**

3631.1 Violations of any of the following provisions shall be a Class 3 Infraction:

- (a) Failing to submit required documentation to the Department in violation of 25-I DCMR §§ 207.4(a)(1) through (3);
- (b) Failing to comply with a Notice to Abate Violation or other directives issued by the Department to cleanup or remove environmental conditions on private property, residential and commercial property as specified in 25-I DCMR §§ 204.1(b) and (c), and § 204.2;
- (c) Failing to comply with a Notice to Abate Violation or other directives issued by the Department to cleanup or remove environmental conditions, or reduce or eliminate rodent activity or rodent harborage conditions on multi-residential properties, or apartment buildings consisting of four (4)

or more units, or commercial properties as specified in 25-I DCMR §§ 206.1(b) and (c), and § 206.2;

- (d) Failing to obtain Department of Health's Approval for the Issuance of a DCRA Raze Permit in violation of 25-I DCMR § 207.7;
- (e) Failing to maintain a record of all completed corrective actions in violation of 25-I DCMR § 207.8;
- (f) Failing to comply with directives issued by the Mayor or his or her designated agent for the demolition or removal of an insanitary or unsafe building, or part thereof, other than a fence or shed in violation of 25-I DCMR § 207.9; or
- (g) Failure of a property owner or his agent or representative and the lessee or occupant of any such vessel, premises, grounds, structure, or building, or part thereof, and every person having the care and management thereof to provide a Department representative access during hours of operation or other reasonable times as determined by the Department; or hindering, obstructing, or in any way interfering with any inspector or authorized Department personnel in the performance of his or her duty in violation of 25-I DCMR § 301.3.

3631.2 Violations of any of the following environmental conditions, organic decay, and nuisance odors shall be a Class 3 Infraction:

- (a) Failing to abate filth on their property in violation of 25-I DCMR §§ 200.1(a) and 203.1(a);
- (b) Failing to abate the contents of cesspools on their property in violation of 25-I DCMR §§ 200.1(b) and 203.1(a);
- (c) Failing to abate offal on their property in violation of 25-I DCMR §§ 200.1(c) and 203.1(a);
- (d) Failing to abate solid waste on their property in violation of 25-I DCMR §§ 200.1(d) and 203.1(a);
- (e) Failing to abate foul water on their property in violation of 25-I DCMR §§ 200.1(e) and 203.1(a);
- (f) Failing to abate refuse from factories, warehouses, or commercial operations on their property in violation of 25-I DCMR §§ 200.1(f) and 203.1(a);
- (g) Failing to abate construction and demolition waste on their property in violation of 25-I DCMR §§ 200.1(g) and 203.1(a);

- (h) Failing to abate ordure on their property in violation of 25-I DCMR §§ 200.1(h) and 203.1(a);
- (i) Failing to abate urine on their property in violation of 25-I DCMR §§ 200.1(i) and 203.1(a); or
- (j) Failing to compost decayed animal or vegetable matter in accordance with the Home Composting Incentives Amendment Act of 2018, effective July 17, 2018 (D.C. Law 22-146; D.C. Official Code § 8-1031.12b (2019 Supp.)) in violation of 25-I DCMR §§ 200.1(j) and 203.1(a).

3631.3 The following rodent activity shall be a Class 3 Infraction:

- (a) Failing to inspect property for rodent activity in violation of 25-I DCMR §§ 201.3(a) and 203.1(b);
- (b) Failing to remove dead rodents, in violation of 25-I DCMR §§ 201.3(b) and 203.1(b); or
- (c) Failing to obtain a D.C. licensed and certified pest exterminator to treat rodent burrows on the property in violation of 25-I DCMR §§ 201.3(c) and 203.1(b).

3631.4 The following rodent harborage conditions shall be a Class 3 Infraction:

- (a) Failing to inspect property for conditions that could support rodent harborage before transferring or changing the property's occupancy in violation of 25-I DCMR § 202.1;
- (b) Failing to prevent grass or weed growth at eight inches (8") or higher on public or private property, in accordance with Section 908(a) of the Rodent Control Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 8-2103.05(a) (2013 Repl.)), not including "critical areas" designated by the Department of Energy and Environment pursuant to Section 202 of the Fisheries and Wildlife Omnibus Amendment Act of 2016, effective May 19, 2017 (D.C. Law 21-282; D.C. Official Code § 8-1731.02 (2019 Supp.)), in violation of 25-I DCMR §§ 202.2(a) and 203.1(c);
- (c) Allowing spillage from outdoor receptacles or waste handling units such as collection vehicles to remain on the property in violation of 25-I DCMR §§ 202.2(b) and 203.1(c);
- (d) Accumulating trash, animal fecal matter, discarded items and furniture, boxes, tires, vehicles, or construction materials on the property in violation of 25-I DCMR §§ 202.2(c) and 203.1(c);

- (e) Accumulating trash, debris, discarded or unnecessary items on public property, such as tree beds, alleyways, or roadways in violation of 25-I DCMR §§ 202.2(d) and 203.1(c);
- (f) Accumulating trash, debris, discarded or unnecessary items on any part of private property, including porches, basement well areas, yard areas, or other exterior areas in violation of 25-I DCMR §§ 202.2(e) and 203.1(c);
- (g) Accumulating trash, debris, discarded or unnecessary items on any part of private property adjacent to public or private property, such as garages, driveways, or other exterior areas in violation of 25-I DCMR §§ 202.2(f) and 203.1(c);
- (h) Storing pet food or bird feed in containers that are not rodent-proof or leaving uneaten pet food or bird feed in a quantity that is more than necessary to sustain the life of the animal being fed in violation of 25-I DCMR §§ 202.2(g) and 203.1(c);
- (i) Placing refuse in plastic bags outside of container to store and dispose of solid waste other than yard waste in violation of 25-I DCMR §§ 202.2(h) and 203.1(c);
- (j) Improperly storing debris, solid waste, food waste, or grease receptacles outdoors in violation of 25-I DCMR §§ 202.2(i) and 203.1(c);
- (k) Storing debris, solid waste, food waste, or grease outdoors in residential receptacles that are accessible to rodents and other pests in violation of 25-I DCMR §§ 202.2(j) and 203.1(c);
- (l) Storing debris, solid waste, food waste, or grease in outdoor receptacles that are not rodent proof, as defined in Section 9901 of these regulations, due to damaged or improper construction in violation of 25-I DCMR §§ 202.2(k) and 203.1(c);
- (m) Storing debris, solid waste, food waste, or grease in outdoor receptacles that are not rodent proof, as defined in Section 9901 of these regulations, due to improper maintenance in violation of 25-I DCMR §§ 202.2(l) and 203.1(c);
- (n) Storing food waste or grease in outdoors receptacles that are not rodent proof, with tight fitting lids, doors, or covers, as defined in Section 9901 of these regulations in violation of 25-I DCMR §§ 202.2(m) and 203.1(c);
- (o) Storing food waste outdoors in receptacles that are not durable, cleanable, insect and rodent proof, leak proof, and nonabsorbent, as defined in Section 9901 of these regulations in violation of 25-I DCMR §§ 202.2(n) and 203.1(c);



- (p) Storing food waste outdoors in unprotected plastic bags and paper bags, or baled units that contain materials with food residue in violation of 25-I DCMR §§ 202.2(o) and 203.1(c);
- (q) Storing debris, solid waste, food waste, or grease outdoors in waste receptacles that do not have drain plugs in place in violation of 25-I DCMR §§ 202.2(p) and 203.1(c);
- (r) Maintaining an insufficient number of waste receptacles to properly store the amount of debris, solid waste, food waste, or grease being generated in violation of 25-I DCMR §§ 202.2(q) and 203.1(c);
- (s) Storing debris, solid waste, food waste, or grease on an outdoor surface that is not constructed of nonabsorbent material such as concrete or asphalt in violation of 25-I DCMR §§ 202.2(r) and 203.1(c);
- (t) Storing debris, solid waste, food waste, or grease on an outdoor surface that is not smooth, durable and sloped to drain in violation of 25-I DCMR §§ 202.2(s) and 203.1(c);
- (u) Using an outdoor storage or enclosure area that is not constructed of durable and cleanable materials to store debris, solid waste, food waste, or grease in violation of 25-I DCMR §§ 202.2(t) and 203.1(c);
- (v) Using an outdoor storage or enclosure area that lacks sufficient capacity to hold debris, solid waste, food waste, or grease being stored in violation of 25-I DCMR §§ 202.2(u) and 203.1(c);
- (w) Using an on-site compactor that is not installed flushed with the base pad under the unit that does not provide easy access to effectively clean around the unit in violation of 25-I DCMR §§ 202.2(v) and 203.1(c);
- (x) Storing discarded or unnecessary items in outdoor storage or enclosure areas in violation of 25-I DCMR §§ 202.2(w) and 203.1(c);
- (y) Soiled waste receptacles not cleaned on a regular basis to prevent the development of buildup of waste matter or from becoming an attractant to insects and rodents in violation of 25-I DCMR §§ 202.2(x) and 203.1(c);  
or
- (z) Not using regularly scheduled pickups to remove debris, solid waste, food waste, or grease from the property at a frequency that minimizes the development of objectionable odors and other conditions that attract or harbor insects and rodents in violation of 25-I DCMR §§ 202.2(y) and 203.1(c).

3631.5      Violations of any provision of the District’s Public Health Nuisances and Rodent Control Regulations (Title 25-C DCMR), which is not cited elsewhere in this section, shall be a Class 4 infraction.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (“Department”), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 47 (Acupuncture) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update Sections 4710 (Continuing Professional Education Requirements) and 4799 (Definitions) of the District of Columbia Municipal Regulations pertinent to the Board of Medicine, in order to amend the requirement for Continuing Education for licensed acupuncturists. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

The first Notice of Proposed Rulemaking was published in the *D.C. Register* on September 27, 2019 at 66 DCR 012754. No comments were received and no changes have been made to the rulemaking. These rules were adopted as final on December 9, 2019 and will be effective upon publication of this notice in the *D.C. Register*.

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

**Section 4710, CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 4710.1 is amended to read as follows:**

4710.1 In order to renew a license, an acupuncturist shall confirm on the renewal application that he or she has completed at least thirty (30) hours of continuing education. At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website. The continuing education shall be conducted through any of the following continuing education methods:

- (a) Successfully completing a continuing education course that has been approved by NCCAOM or by boards or committees regulating acupuncture in other states;

- (b) Successfully completing up to fifteen (15) hours of a distance learning course approved by NCCAOM; or
- (c) Successfully completing continuing education courses or programs that are pre-approved by the Board.

**Section 4799, DEFINITIONS, is amended as follows:**

**Subsection 4799.1 is amended as follows:**

**The following definition is added before the definition of “Electroacupuncture”:**

**Director** – The Director of the Department of Health, or his or her designee.

**D.C. DEPARTMENT OF HUMAN RESOURCES****NOTICE OF FINAL RULEMAKING**

The Director of the D.C. Department of Human Resources, pursuant to Title I of the Jobs for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code §§ 1-515.01 *et seq.* (2012 Repl.)) (“Jobs for D.C. Residents Act”), Sections 404, 801(e), 859, 906, 957, and 1059 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (“CMPA”), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04, 1-608.01(e), 1-608.59, 1-609.06, 1-609.57, and 1-610.59 (2012 Repl. & 2019 Supp.)), with the concurrence of the City Administrator, and in accordance with Mayor’s Order 2008-92, dated June 26, 2008, and Mayor’s Order 2019-057, dated June 13, 2019, hereby gives notice of the adoption of the following amendments to Chapter 3 (Residency), of Subtitle B (Government Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends Chapter 3 (Residency) in its entirety, implementing the provisions of the District Government Employee Residency Amendment Act of 2018, effective May 23, 2019 (D.C. Law 22-315; 66 DCR 1983 (February 15, 2019)), which rewrote Title I of the Jobs for D.C. Residents Act. The rules: (1) introduce a new residency requirement for “highly compensated employees;” (2) clarify the requirements for proving residency; (3) streamline residency verification and compliance audits; (4) clarify the requirements for hardship waivers; and (5) introduce new annual reporting requirements.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 4, 2019 at 66 DCR 012998. No public comments were received in response, and no changes have been made to the text of the rules as proposed.

The rules were adopted by the Director as final on November 27, 2019 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 3, RESIDENCY, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:****300 POLICY AND APPLICABILITY**

- 300.1 The Government of the District of Columbia (“District government”) prioritizes the hiring of District residents into District government jobs to bolster the District’s economy and to facilitate a shared interest in the optimal functioning of the District government.
- 300.2 All the provisions of this chapter shall apply to subordinate agencies. Sections 301.1(c), 301.1(d), 304, 305, 309, and 399 shall also apply to independent agencies.

300.3 The residency requirements of this chapter shall not apply to appointments made prior to May 23, 2019, if residency was not a requirement for that appointment or if an existing residency waiver for that appointment is still in effect.

### **301 JOBS REQUIRING RESIDENCY**

301.1 The following categories of District government employees are required to reside in the District within one hundred and eighty (180) after the employee's first day of work with the District government and to remain a resident of the District during their incumbency in an employment position subject to this requirement:

- (a) Employees in the Excepted, Executive, and Senior Executive Attorney Services;
- (b) Legal Service employees of the Council of the District of Columbia;
- (c) Employees hired or re-hired on or after May 23, 2019, in the Career, Management Supervisory, or Educational Service at an annual salary of one hundred fifty thousand dollars (\$150,000) or more; and
- (d) Agency heads.

301.2 An employee who is required to be a resident of the District pursuant to § 301.1 must prove District residency within one hundred eighty (180) days after his or her first day of work.

### **302 RESIDENCY PREFERENCE POINTS FOR COMPETITIVE JOBS**

302.1 Personnel authorities shall use a one hundred (100) point scale for all competitive hiring decisions for jobs in the Career, Educational, Legal, and Management Supervisory Services.

302.2 An applicant for employment in the Career, Educational, Legal, or Management Supervisory Service who resides in the District at the time of application may elect to receive ten (10) District residency preference points, which shall be in addition to any points the applicant receives under the one hundred (100) point scale required by § 302.1.

302.3 When assessment tools beyond the initial screening are used, such as writing samples or written examinations, applicants shall be scored on a new one hundred (100) point scale. Any residency hiring preference points applied during the initial screening phase shall be re-applied to the new one hundred (100) point scale.

302.4 An employee appointed to a position for which he or she elected District residency preference points shall agree in writing to remain a resident of the District for a period of seven (7) consecutive years from the effective date of the employee's appointment, regardless of subsequent promotion, reassignment, transfer, demotion, or any other internal movement within District government.

The employee shall execute this written agreement no later than the first day of work for the District government.

302.5 An employee who is required to be a resident of the District pursuant to § 302.4 must prove District residency on or before his or her first day of work.

### **303 PROOF OF RESIDENCY PRIOR TO APPOINTMENT**

303.1 Personnel authorities shall verify District residency for those employees subject to the District residency requirement under § 302.4 no later than the employee's first day of work.

303.2 Personnel authorities shall verify District residency for employees subject to the District residency requirement under § 301.2 no later than one hundred eighty (180) days after the employee's first day of work.

303.3 Residency shall be verified by:

- (a) Reviewing the appointee's non-expired driver's license or non-driver identification issued by the Department of Motor Vehicles ("DMV"); and
- (b) Verifying that the appointee has elected the District for purposes of income tax withholding in the applicable human resources information system.

303.4 If an appointee who is required to be a District resident does not have a non-expired driver's license or non-driver identification issued by DMV as required by § 303.3(a), the appointee may provide substitute documentation that is satisfactory to the personnel authority. Substitute documentation shall include a combination of four (4) or more proofs of residency, such as:

- (a) Voter registration card;
- (b) Motor vehicle registration;
- (c) Certified deed or current lease or current rental agreement for real property for the employee's principal place of residence in the District;
- (d) Cancelled checks or receipts for mortgage or rental payments for the employee's principal place of residence in the District;
- (e) Utility bills and payment receipts for the employee's principal place of residence in the District;
- (f) A copy of a bank account statement in the name of the employee mailed to the employee's principal place of residence in the District;

- (g) Copies of credit card or brokerage account statements mailed to the employee's principal place of residence in the District;
- (h) Copies of automobile insurance statements for the employee mailed to the employee's principal place of residence in the District; or
- (i) Sworn affidavit.

### **304 HARDSHIP WAIVER**

- 304.1 When an employee suffers an extraordinary hardship and must relocate to another state (or remain in another state, in the case of an individual subject to the residency requirement under §§ 301.2 and 302.4) due to exceptional circumstances beyond the employee's control, the employee may apply for a hardship waiver to suspend the residency requirements.
- 304.2 Application for a hardship waiver shall be made in writing to the personnel authority and, for subordinate agencies, according to any procedures established by the Director of the Department of Human Resources (Director).
- 304.3 Within thirty (30) days after receiving an application for a hardship waiver, the personnel authority shall issue a written decision either approving or denying the application.
- 304.4 The written decision shall provide a justification for the personnel authority's decision. Each written decision shall state whether:
- (a) There is evidence that the hardship exists;
  - (b) The hardship necessitates residence outside of the District; and
  - (c) Granting the waiver is in the best interest of District government.
- 304.5 A hardship waiver issued pursuant to this section may be issued for no longer than one (1) year.
- 304.6 A residency waiver granted before May 23, 2019, shall remain effective for the duration of the individual's appointment to the position for which the individual received the waiver.
- 304.7 At the request of the Inspector General, the Director may issue residency waivers for new positions or hires in the Office of the Inspector General. Such waivers shall be issued only for new positions or hires that present exceptional circumstances or are hard-to-fill positions. Waivers issued under this subsection are not subject to the time limits imposed by § 304.5.



**305 PERIODIC VERIFICATIONS**

- 305.1 The Director shall annually verify employees' compliance with the residency requirements established in §§ 301 and 302 at both subordinate agencies and independent agencies.
- (a) Residency shall be verified electronically with data from the DMV and based on income tax withholding data maintained in the applicable human resources information system.
  - (b) At his or her discretion, the Director may conduct more frequent verifications than required by this subsection.
- 305.2 In addition to the electronic verification established pursuant to § 305.1, the Director shall establish additional annual auditing criteria for verifying residency, which may include physical verification that employees possess a valid DMV-issued driver's license or non-driver identification.
- 305.3 The additional auditing criteria specified in § 305.2 shall be applied annually to at least:
- (a) Twenty percent (20%) of randomly selected subordinate agency employees who are required to maintain District residency; and
  - (b) All employees in at least three (3) randomly selected independent agencies or instrumentalities.
- 305.4 The Director may apply any additional auditing and investigatory techniques deemed appropriate to adequately verify District residency.
- 305.5 Whenever the Director determines that an employee is not in compliance with District residency requirements, the Director shall take the following steps:
- (a) For a subordinate agency employee, the Director shall separate the employee in accordance with the procedures established in § 306; and
  - (b) For an employee in an independent agency, the Director shall notify the applicable personnel authority of his or her findings and, if the employee is found not in compliance with District residency requirements, the applicable personnel authority shall separate the employee in accordance with the procedures adopted by the relevant personnel authority.

**306 FORFEITURE OF EMPLOYMENT**

- 306.1 Except for employees who have been issued a hardship waiver pursuant to § 304 or issued prior to May 23, 2019, an employee who is subject to and fails to meet the residency requirements of §§ 301 and 302 forfeits his or her District employment, which shall be cause for separation.

306.2 Notwithstanding §§ 1600.2 and 1626 of this Subtitle, whenever there is cause for separation based on a forfeiture of District employment under this chapter, the forfeiture shall be processed as an adverse action consistent with the following procedures:

- (a) For employees in the Career and Educational Services, §§ 1614, 1618, 1621, 1622, 1623, and 1625 of Subtitle 6B shall apply.
- (b) For employees in the Excepted, Executive, Senior Executive Attorney, Legal, and Management Supervisory Services, §§ 1614, 1618, 1621, 1622, 1623, and 1628 of Title 6-B DCMR shall apply. For purposes of filing a grievance, the grievance official shall be the personnel authority and the grievance shall be reviewed as a final decision pursuant to § 1633.
- (c) For the purposes of §§ 1618, 1622, and 1623 of Title 6-B DCMR , the applicable personnel authority shall designate the proposing official, the administrative review officer, and the deciding official.

**307-308 [RESERVED]**

### **309 REPORTING**

309.1 No later than November 30 of each year, the Director shall submit a report through the Mayor to the Council covering the previous fiscal year. The report shall, for each agency:

- (a) Identify each employee newly hired by the agency, providing each employee's agency, name, job title, pay schedule, and state of residence;
- (b) Provide the percentage of new hires at the agency who are District residents;
- (c) Identify each hardship for which a waiver was issued, providing each employee's name, agency, job title, pay schedule, and the nature of the hardship warranting the waiver; and
- (d) Identify each employee who failed to meet a residency requirement, providing each employee's name, agency, job title, the action taken, and the reason for the action taken.

309.2 No later than October 31 of each year, each independent agency and instrumentality shall submit a report to the Director covering the previous fiscal year. The report shall:

- (a) Identify each employee newly hired by the agency or instrumentality, providing each employee's name, job title, pay schedule, and state of residence;

- (b) Provide the percentage of new hires by the agency or instrumentality who are District residents;
- (c) Identify each hardship for which the agency or instrumentality issued a residency waiver, providing each employee's name, job title, pay schedule, and the nature of the hardship warranting the waiver; and
- (d) Identify each employee who failed to meet a residency requirement, providing each employee's name, job title, the action taken, and the reason for the action taken.

### 399 DEFINITIONS

399.1 For the purposes of this chapter, the following meanings apply:

**Agency**— any unit of the District of Columbia government required by law, by the Mayor of the District of Columbia, or by the Council of the District to administer any law, rule, or any regulation adopted under authority of law. The term “agency” also includes any unit of the District of Columbia government created by the reorganization of one or more of the units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency. The term "agency" does not include the Council.

**Agency head** – the highest ranking executive official of an agency.

**Days** – calendar days for all periods of more than ten (10) days; otherwise, days are workdays.

**Director** – the Director the Department of Human Resources or his or her designee.

**District** – the District of Columbia

**District resident** – an individual who primarily lives in the District of Columbia and intends the District of Columbia to be his or her home.

**Exceptional circumstances** – conditions or facts that are uncommon or deviate from or do not conform to the norm.

**Forfeiture of employment** – the loss of employment.

**Hard-to-fill position** – a position designated as a hard-to-fill position pursuant to § 911.4 based on demonstrated recruitment and retention problems inherent to the position due to unique duties, responsibilities, and highly specialized qualification requirements.

**Human resource information system** – the software used by the personnel authority to manage human resources related business processes and data, including payroll. Most District agencies use PeopleSoft, which is managed by the Department of Human Resources, as their human resource information system.

**Independent agency** – an agency that is not a subordinate agency

**Personnel authority** – an individual or entity authorized by D.C. Official Code § 1-604.06 (2016 Repl.) to implement personnel rules and regulations for employees of an agency or group of agencies of the District of Columbia; or persons delegated that authority by that individual or entity. The Director is the personnel authority for agencies under the personnel authority of the Mayor except the Metropolitan Police Department and the D.C. Public Schools.

**Subordinate agency** – any agency under the direct administrative control of the Mayor, including, but not limited to, the agencies listed in Section 301(q) of the CMPA (D.C. Official Code § 1-603.01(17) (2016 Repl.)).

**D.C. DEPARTMENT OF HUMAN RESOURCES****NOTICE OF FINAL RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the provisions of Chapter XVIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a) and 1-618.01 *et seq.* (2016 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 18 (Employee Conduct) of Subtitle B (Government Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR).

The rules amend Subsection 1805.10 of Section 1805 (Financial Interests and Disclosures). Specifically, Subsection 1805.10 is amended to allow the Mayor, Attorney General of the District of Columbia, the Executive Director of the D.C. Public Library, and members of the State Board of Education (SBOE) to serve as an honorary chair or honorary member of a nonprofit entity's fundraising event, in their respective official capacities, as specified in the provisions of the chapter. Additionally, minor edits have been made to Subsections 1806.1 and 1806.7 of Section 1806 (Restrictions on the Employment of Relatives (Nepotism)), and Section 1899 (Definitions), has been amended to add a definition for the term "Supervisor."

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 25, 2019 at 66 DCR 014102. No public comments were received, and no changes have been made to the text of the rules as proposed.

These final rules were adopted on December 10, 2019, and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 18, EMPLOYEE CONDUCT, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended to read as follows:**

**Subsection 1805.10 of Section 1805, FINANCIAL INTERESTS AND DISCLOSURES, is amended to read as follows:**

1805.10

- (a) Notwithstanding any other provision of this chapter, a covered public official may serve as an honorary chair or honorary member of a nonprofit entity's fundraising event, so long as the purpose for which funds are raised is a nongovernmental bona fide charitable activity benefiting the covered public official's agency's mission, or, in the case of the Mayor, the District of Columbia.
- (b) Use of a covered public official's name or title in fundraising solicitations or announcements of general circulation shall be in accordance with such terms and limitations as prescribed, in writing, by (1) the Mayor, in the case of the Mayor of the District of Columbia; (2) the Board of Library

Trustees of the District of Columbia Public Library, in the case of the Executive Director of the District of Columbia Public Library; (3) the Attorney General for the District of Columbia, in the case of the Office of the Attorney General for the District of Columbia; or (4) the State Board of Education, in the case of the members of the State Board of Education.

- (c) The authority granted by this subsection shall not extend to the use of the covered public official’s name, title, or organization in solicitations made directly to individual contributors.
- (d) The authority granted by this subsection to the Attorney General, Executive Director of the District of Columbia Public Library, and members of the State Board of Education may not be delegated.
- (e) For purposes of this subsection, the term “covered public official” means the:
  - (1) Mayor of the District of Columbia;
  - (2) Attorney General for the District of Columbia;
  - (3) Executive Director of the District of Columbia Public Library; and
  - (4) Members of the State Board of Education.

**Subsections 1806.1 and 1806.7 of Section 1806, RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES (NEPOTISM), are amended to read as follows:**

**1806 RESTRICTIONS ON THE EMPLOYMENT OF RELATIVES (NEPOTISM)**

1806.1 In accordance with the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115; D.C. Official Code § 1-618.04); and the Civil Service Act of 1967, effective October 13, 1978, as amended (Pub. L. 90-206; 5 USC § 3110), this section restricts the hiring and advancing of relatives by public officials.

1806.7 In the event of emergencies resulting from natural or manmade disasters, the Mayor may suspend the prohibitions of this section, as permitted by the District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012, effective March 14, 2012 (D.C. Law 19-115 (D.C. Official Code § 1-618.04); and the Civil Service Act of 1967, effective October 13, 1978, as amended (Pub. L. 90-206; 5 USC § 3110(d)).

**Section 1899, DEFINITIONS, Subsection 1899.1, is amended to add the definition for the following term to the section, to be placed in alphabetical order within the existing list of defined terms:**

**Supervisor** – an employee having authority, in the interest of an agency, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to evaluate their performance, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The definition of supervisor shall include an incumbent of a position which is classified at a level higher than it would have been had the incumbent not performed some or all of the above duties.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGRM29-2019-01, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD- CLEANENERGY DC OMNIBUS AMENDMENT ACT OF 2018,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802 and 2-505 of the District of Columbia Code<sup>1</sup>, of its final rulemaking action adopting amendments to Chapter 29 (Renewable Energy Portfolio Standard) (RPS), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. On May 3, 2019, the Commission issued a notice of proposed rulemaking (NOPR) to revise the Commission's RPS rules in accordance with the provisions of the CleanEnergy Act.<sup>2</sup> On June 3, 2019, the Commission received comments from WGL Energy Services, Inc. (WGL Energy).<sup>3</sup> The District of Columbia Department of Energy & Environment filed reply comments on June 17, 2019.<sup>4</sup> On July 1, 2019, 3Degrees Group, Inc. (3Degrees) filed comments.<sup>5</sup> WGL Energy filed Sur-Reply Comments on July 16, 2019.<sup>6</sup>

3. After reviewing the comments, the Commission published another NOPR (Second NOPR) on November 8, 2019.<sup>7</sup> The Second NOPR superseded the first NOPR published on May 3, 2019. In the Second NOPR, Subsection 2901.5 was amended to require electricity suppliers to report information regarding: a) their energy supply contracts that were executed prior to the October 8, 2016, effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016<sup>8</sup> and were not, therefore, subject to the increased solar compliance fees pursuant to that Act in their annual RPS compliance reports; and b) their energy

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<sup>1</sup> D.C. Official Code §§ 34-802 (2019 Repl.); 2-505 (2016 Repl.); 34-2003 (2019 Repl.).

<sup>2</sup> 66 DCR 5703-5707 (May 3, 2019).

<sup>3</sup> *RM29-2019-01, In the Matter of 15 DCMR Chapter 29-Renewable Energy Portfolio Standard Renewable Energy Standard-DC Omnibus Amendment Act of 2018 ("RM29-2019-01")*, Comments of WGL Energy Services, Inc. ("WGL Energy Services") in Response to Notice of Proposed Rulemaking, filed June 3, 2019.

<sup>4</sup> *RM29-2019-01, Reply Comments of the District of Columbia Department of Energy & Environment*, filed June 17, 2019; *RM29-2019-01*.

<sup>5</sup> *RM29-2019-01, Motion to File Comments Out of Time and Comments of 3Degrees Group, Inc.*, filed July 1, 2019 ("3Degrees' Motion").

<sup>6</sup> *RM29-2019-01, Comments of WGL Energy in Response to Comments Filed by DOEE in Response to WGL Energy's Initial Comments*, filed July 16, 2019.

<sup>7</sup> 66 DCR 15103-15109 (November 8, 2019).

<sup>8</sup> *D.C. Law 21-154, Renewable Portfolio Standard Expansion Amendment Act of 2016* (October 8, 2016).



supply contracts that were executed prior to the March 22, 2019, effective date of the CleanEnergy Act and were not, therefore, subject to the increased Tier One and Solar Energy standards pursuant to that Act in their annual RPS compliance reports.<sup>9</sup>

4. Language was added to Subsection 2901.5 to allow the compliance report form to be updated as needed by public notice and requiring each electricity supplier to report annually in its compliance report for the year following the compliance year that is the subject of the compliance report being filed, an estimate of the amount of compliance fees to be paid. The proposed amendments to Subsection 2901.7 changed the deadline from April 1, to the period October 1 to November 1 for the submission of annual compliance fees. Subsection 2901.9 was similarly revised to reflect this change. Subsection 2901.12 was revised to reflect that energy supply contracts executed prior to the effective date of the CleanEnergy Act are not subject to the increased tier one and solar energy standards. Subsection 2901.13(c) was revised to extend the three hundred dollar (\$300) compliance fee for each REC shortfall for solar energy sources from 2029 through 2032 to 2029 through 2041 and provided for a one hundred-dollar (\$100) compliance fee for each REC shortfall for solar energy sources in 2042 and thereafter, consistent with the CleanEnergy Act.<sup>10</sup>

5. In addition, pursuant to the CleanEnergy Act, the proposed amendments to Subsection 2902.16 changed the definition of a REC by phasing out the certification and the eligibility of RECs in adjacent PJM states and the eligibility of RECs produced by those generators. The proposed amendments to Subsection 2903.4 extended the life of solar RECs (SREC) from three (3) years from the date of generation to five (5) years from the date of generation. Subsection 2903.4 was also revised to reflect that, after December 31, 2028, the RECs that had been produced by renewable generators, on or before that date, that were certified as tier one sources located within an adjacent PJM state on or before March 22, 2019, the effective date of the CleanEnergy Act, shall be valid for the remainder of the three (3)-year period from the date of generation. Subsection 2903.4 was revised to reflect that the SRECs produced by such facilities, on or before December 31, 2028, shall be valid for the remainder of the five (5)-year period from the date of generation. The proposed amendments to Subsection 2999.1 harmonized the definition of a REC with the CleanEnergy Act; revised the definitions of “Adjacent PJM State” and “PJM Interconnection region;” and added new terms and definitions for “Compliance Year;” “Energy Supply Contract;” and “PJM Interconnection, L.L.C.”<sup>11</sup>

6. On December 9, 2019, the Commission received comments in response to the Second NOPR from 3Degrees and WGL Energy.<sup>12</sup> The Commission approved the amendments as proposed as well as a provision correcting a scrivener’s error in Subsection 2902.16 in a vote at the January 21, 2020 open meeting, with the amendments becoming effective upon publication

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<sup>9</sup> 66 DCR at 15104-15105.

<sup>10</sup> 66 DCR at 15104-15107.

<sup>11</sup> 66 DCR at 15107-15109.

<sup>12</sup> *RM29-2019-01*, Comments of 3Degrees on Second NOPR, filed December 9, 2019; *RM29-2019-01*, Comments of WGL Energy on Second NOPR, filed December 9, 2019. *RM29-2019-01*, Corrected Comments of WGL Energy on Second NOPR, filed December 10, 2019.

in the *D.C. Register*.

**Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 2901, RPS COMPLIANCE REQUIREMENTS, is amended as follows:**

...

2901.5 Each Electricity Supplier must prepare and submit an annual compliance report to the Commission, in a format that may be updated pursuant to a Public Notice. The compliance report shall include, but shall not be limited to, the following information:

- (a) The quantity of its annual District of Columbia retail electricity sales;
- (b) A calculation of the annual quantity of required Tier One, Tier Two, and Solar Energy RECs;
- (c) The quantity of Tier One, Tier Two, and Solar Energy RECs purchased and evidence of those purchases;
- (d) The quantity of Tier One, Tier Two, and Solar Energy Credits transferred to the Electricity Supplier by a Renewable On-Site Generator;
- (e) A calculation of any compliance fees that the Electricity Supplier owes;
- (f) A summary report of RECs retired during the reporting period;
- (g) For Compliance Years 2019, 2020, and 2021 include:
  - (1) The number of the energy supply contracts that were executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (D.C. Official Code § 34-1434, note);
  - (2) The length of each such energy supply contract; and
  - (3) The amount of electricity sold pursuant to each such energy supply contract for the current Compliance Year that is the subject of the compliance report being filed and an aggregated estimate of the amount of electricity to be sold pursuant to all such energy supply contracts for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021.

- (h) For Compliance Years 2019, 2020, and 2021 include:
  - (1) The number of the energy supply contracts that were executed prior to March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257);
  - (2) The length of each such energy supply contract; and
  - (3) The amount of electricity sold pursuant to each such energy supply contract for the Compliance Year that is the subject of the compliance report being filed and an aggregated estimate of the amount of electricity to be sold pursuant to all such energy supply contracts for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021;
- (i) For the year following the Compliance Year that is the subject of each compliance report being filed, an estimate of the amount of Compliance Fees to be paid;
- (j) All documentation supporting the data appearing in the annual compliance report; and
- (k) Certification of the accuracy and veracity of the compliance report.

...

2901.7 An Electricity Supplier’s annual compliance report shall be submitted to the Commission by April 1 of the calendar year following the Compliance Year. After notification of a decision of non-compliance by the Commission, the supplier shall, within ten (10) calendar days, take the actions necessary to come into compliance, or file its response contesting the decision of non-compliance, or file a response indicating that it will submit the appropriate payment to the District of Columbia Department of Energy & Environment payable to the District of Columbia Renewable Energy Development Fund between October 1 and November 1 of the calendar year following the Compliance Year. The supplier shall concurrently file proof of payment with the Commission.

...

2901.9 Any Electricity Supplier that fails to meet its Renewable Energy Portfolio Standard requirements shall submit to the District of Columbia Department of Energy & Environment the required annual compliance fee payable to the District of Columbia Renewable Energy Development Fund between October 1 and

November 1 of the calendar year following the Compliance Year. The supplier shall concurrently file proof of payment with the Commission.

...

2901.12

- (a) Energy supply contracts executed prior to August 1, 2011, shall not be subject to the increased solar energy requirement established by the Distributed Generation Amendment Act of 2011 (D.C. Law 19-36); but any extension or renewal of such contracts, executed on or after August 1, 2011, shall be subject to the increased Solar Energy requirement as required by this act;
- (b) Energy supply contracts executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (D.C. Law 21-154), shall not be subject to the increased solar energy compliance fees as required by this act until October 8, 2021; but any extension or renewal of such contracts, executed on or after October 8, 2016, shall be subject to the increased solar energy compliance fee as required by that act; and
- (c) Energy supply contracts executed prior to March 22, 2019, the effective date of the CleanEnergy Act, shall not be subject to the increased Tier One and Solar Energy requirements required by the CleanEnergy Act through January 1, 2022; but any extension or renewal of such contracts, executed on or after March 22, 2019, shall be subject to the increased Tier One and Solar Energy requirements as required by the CleanEnergy Act.

2901.13

The Compliance Fee shall be:

- (a) Fifty dollars (\$50) for each REC shortfall for Tier One resources;
- (b) Ten dollars (\$10) for each REC shortfall for Tier Two resources; and
- (c) Three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2008; five hundred dollars (\$500) for each REC shortfall for Solar Energy resources in 2009 through 2023; four hundred dollars (\$400) for each REC shortfall for Solar Energy resources in 2024 through 2028; three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2029 through 2041; and one hundred dollars (\$100) for each REC shortfall for Solar Energy resources in 2042 and thereafter.

**Section 2902, GENERATOR CERTIFICATION AND ELIGIBILITY, is amended as follows:**

...

2902.16 As of March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257), Tier One or Tier Two sources located within an Adjacent PJM State shall not be eligible for certification as qualified sources by the Commission. After December 31, 2019, a generating facility certified as a Tier Two renewable source shall not be eligible to generate RECs for the District of Columbia’s RPS program. Until January 1, 2029, a generating facility that was certified, as of March 22, 2019, the effective date of the CleanEnergy Act, as a Tier One source located within an Adjacent PJM State, shall be eligible to generate RECs for the District of Columbia’s RPS program.

...

**Section 2903, CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS, is amended as follows:**

...

- 2903.4
- (a) RECs shall be valid for a three-year period from the date of generation, except that Solar RECs produced by Solar Energy systems which meet the requirements of D.C. Official Code § 34-1432(e)(1) and which may, therefore, be used to meet the Solar Energy portion of the Tier One requirement shall be valid for a five (5)-year period from the date of generation. These Solar RECs shall be valid for a five (5)-year period from the date of generation provided they were generated as of or after March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (D.C. Law 22-257). A newly certified Renewable Generator can produce RECs starting from January 1<sup>st</sup> of the year in which it was certified, except that any Renewable Generator certified in January of any year can produce RECs starting January 1<sup>st</sup> of the year before that certification.
  - (b) After December 31, 2028, the RECs that had been produced by generating facilities, on or before that date, that were certified as a Tier One source located within an Adjacent PJM State on or before March 22, 2019, the effective date of the CleanEnergy Act, shall be valid for the remainder of the three (3)-year period from the date of generation. The Solar RECs produced by such facilities, on or before December 31, 2028, shall be valid for the remainder of the five (5)-year period from the date of generation.

**Section 2999, DEFINITIONS, Subsection 2999.1, amends the definitions as follows:**

**Adjacent PJM State** – Alabama, Arkansas, Georgia, Iowa, Mississippi, Missouri, New York, South Carolina, and Wisconsin are deemed to be adjacent to the PJM Interconnection Region as are those portions of Illinois, Indiana, Kentucky, Michigan, North Carolina, Tennessee, and Virginia which are not within the PJM Interconnection region.

**Compliance Year** – the calendar year for which the electricity supplier seeks to establish compliance with the District of Columbia’s renewable energy portfolio standard by filing a compliance report.

**Energy Supply Contract** – a contract between an electricity supplier and a customer for the retail sale of electricity.

**PJM Interconnection, L.L.C.** – the regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia and is regulated by the Federal Energy Regulatory Commission.

**PJM Interconnection region** – the area within which the movement of wholesale electricity is coordinated by the PJM Interconnection, L.L.C. This area includes all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

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

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2019 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the proposed adoption of a new Chapter 88 (Program of All-Inclusive Care for the Elderly) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking implements the requirements of the Program of All-Inclusive Care for the Elderly Establishment Act of 2018, effective March 13, 2019 (D.C. Law 22-246; D.C. Official Code § 7-571 (2019 Supp.)), which authorizes the establishment of a Program of All-Inclusive Care for the Elderly (PACE) in the District. These rules establish standards governing eligibility criteria for participants, covered services, conditions of participation for providers, reimbursement, data collection, reporting requirements, and quality improvement for the District PACE program. The estimated four-year (FY 2019 - FY 2022) total cost associated with the implementation of PACE is \$42,180,543, which was included in the District's local budget for Fiscal Year 2019.

PACE is a nationally recognized model of care that integrates Medicare and Medicaid benefits in order to provide beneficiaries with the entire continuum of necessary medical care and support services. PACE beneficiaries are eligible for a broader array of benefits than is typically available under either Medicaid or Medicare programs and their care is managed by a comprehensive, interdisciplinary team of clinical professionals working to deliver highly coordinated, quality care. To be eligible for PACE, an individual must be fifty-five (55) years of age or older, in need of a nursing home level of care, able to live safely in the community, and residing in a designated PACE service area. The blended PACE payment model includes both Medicare and Medicaid financing and all regularly covered Medicare and Medicaid services are integrated at a community-based PACE center.

This proposed rulemaking corresponds to a related State Plan Amendment (SPA), which requires approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). Accordingly, these rules shall become effective for PACE established on either January 1, 2020, or the effective date established by CMS in its approval of the corresponding SPA, whichever is later. Once approved by CMS, the corresponding SPA will be added to the District's Medicaid State Plan, which can be found on DHCF's website at <https://dhcf.dc.gov/page/medicaid-state-plan>.

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

A new Chapter 88, PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY, of Title 29 DCMR, PUBLIC WELFARE, is added to read as follows:

**CHAPTER 88 PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)**

- 8800 GENERAL PROVISIONS**
- 8801 PARTICIPANT ENROLLMENT**
- 8802 PARTICIPANT DISENROLLMENT**
- 8803 PARTICIPANT RIGHTS**
- 8804 PACE ORGANIZATION APPLICATION PROCESS**
- 8805 PACE ORGANIZATION REQUIREMENTS**
- 8806 INTERDISCIPLINARY TEAM**
- 8807 PARTICIPANT ASSESSMENT AND PLAN OF CARE**
- 8808 PACE SERVICES**
- 8809 PACE CENTER**
- 8810 EMERGENCY CARE**
- 8811 REIMBURSEMENT**
- 8812 DATA COLLECTION, RECORD MAINTENANCE, AND REPORTING REQUIREMENTS**
- 8813 QUALITY IMPROVEMENT**
- 8814 SANCTIONS, ENFORCEMENT ACTIONS, AND TERMINATION**
- 8899 DEFINITIONS**

**8800 GENERAL PROVISIONS**

- 8800.1 This chapter establishes standards governing enrollment eligibility, conditions of participation for providers, and program requirements of the District of Columbia’s (District) Program of All-Inclusive Care for the Elderly (PACE).
- 8800.2 DHCF, in coordination with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), shall serve as the designated District agency responsible for administering the PACE program in the District, and shall adhere to all applicable requirements set forth at 42 CFR Part 460.

**8801 PARTICIPANT ENROLLMENT**

- 8801.1 To be eligible to enroll in PACE, an individual shall meet the following requirements, as determined by the PACE organization:
  - (a) Be fifty-five (55) years of age or older;
  - (b) Reside in the designated service area of the PACE organization;



- (c) Meet the level of care required under the District’s State Medicaid Plan for coverage of nursing facility services as determined by the Department of Health Care Finance (DHCF) or its designated agent, in accordance with 29 DCMR § 989.12; and
- (d) At the time of enrollment, be able to live in a community-based setting without jeopardizing his or her health or safety, as determined using the criteria specified in the PACE program agreement.

8801.2 Eligibility to enroll in PACE is not limited to individuals who are eligible for or enrolled in either Medicare or Medicaid.

8801.3 If an individual is denied enrollment based on a determination that his or her health or safety would be jeopardized by living in a community-based setting, the PACE organization shall do the following:

- (a) Notify the individual in writing of the denial and reason for the denial, in accordance with 42 CFR § 431.210;
- (b) Refer the individual to alternative services, as appropriate;
- (c) Maintain supporting documentation of the reason for the denial;
- (d) Provide the individual with information regarding the process for requesting reconsideration of the denial;
- (e) Provide the individual with information regarding the right to appeal the denial by filing a fair hearing request with the Office of Administrative Hearings, in accordance with 1 DCMR § 2971; and
- (f) Notify the Medicaid Centers for Medicare and Medicaid Services (CMS) and DHCF of the denial and make all relevant documentation available for review by CMS, DHCF, and the individual.

**8802 PARTICIPANT DISENROLLMENT**

8802.1 A PACE participant may voluntarily disenroll from the program without cause at any time, in accordance with the following:

- (a) Requests for voluntary disenrollment from PACE shall be initiated by the PACE participant or the participant’s authorized representative;
- (b) A PACE participant’s voluntary disenrollment is effective on the first day of the month following the date the PACE organization receives the participant’s notice of voluntary disenrollment; and

- (c) The PACE organization shall ensure that its employees or contractors do not engage in any practice that would reasonably be expected to have the effect of steering or encouraging disenrollment of participants due to a change in health status.

8802.2 A PACE participant may be involuntarily disenrolled from the program for any of the following reasons:

- (a) The participant, after a thirty (30) day grace period, fails to pay or make satisfactory arrangements to pay any premium due the PACE organization;
- (b) The participant, after a thirty (30) day grace period, fails to pay or make satisfactory arrangements to pay any applicable Medicaid spenddown liability or any amount due under the post-eligibility treatment of income process, as permitted under 42 CFR §§ 460.182 and 460.184.
- (c) The participant moves out of the PACE organization service area or is out of the service area for more than thirty (30) consecutive days, unless the PACE organization agrees to a longer absence due to extenuating circumstances;
- (d) The participant is determined to no longer require a nursing facility level of care as described in 29 DCMR § 989.12;
- (e) The participant engages in disruptive or threatening behavior, which means that he or she exhibits either of the following:
  - (1) The participant's behavior jeopardizes his or her health or safety, or the safety of others; or
  - (2) The participant has decision-making capacity but consistently refuses to comply with his or her individual plan of care or the terms of the PACE enrollment agreement;
- (f) The participant's caregiver engages in disruptive or threatening behavior, which means that he or she exhibits behavior that jeopardizes the participant's health or safety, or the safety of the caregiver or others;
- (g) The PACE program agreement with CMS and DHCF is not renewed or is terminated; or
- (h) The PACE organization is unable to offer health care services due to the loss of District licenses or contracts with outside providers.

8802.3 The involuntary disenrollment of a participant shall not be effective until:

- (a) After the PACE organization has notified DHCF and, based on its review, DHCF has determined in a timely manner that the PACE organization has adequately documented acceptable grounds for disenrollment consistent with § 8802.4; and
- (b) The first day of the next month that begins thirty (30) days after the date the PACE organization sends notice of the disenrollment to the participant.

8802.4 Prior to the involuntary disenrollment of a participant based on the disruptive or threatening behavior of the participant or the participant's caregiver, the PACE organization shall document the following information in the participant's medical record:

- (a) The reasons for proposing to disenroll the participant; and
- (b) All efforts made to remedy the situation.

8802.5 The PACE organization may not disenroll a participant on the grounds that the participant engaged in noncompliant behavior if the behavior is related to a mental or physical condition of the participant, unless the participant's behavior jeopardizes his or her health or safety, or the safety of others. For the purposes of this section, noncompliant behavior includes repeated noncompliance with medical advice and repeated failure to keep appointments.

8802.6 In disenrolling a participant, the PACE organization shall take the following actions:

- (a) Use the most expedient process allowed under Medicaid and Medicare procedures, as set forth in the PACE program agreement;
- (b) Coordinate the disenrollment date between Medicaid and Medicare, if a participant is eligible for both;
- (c) Give reasonable advance notice to the participant, in accordance with § 8802.3(b).

8802.7 To facilitate a disenrolled participant's reinstatement in other Medicaid and Medicare programs, the PACE organization shall do the following:

- (a) Make appropriate referrals and ensure medical records are made available to new providers within thirty (30) days; and
- (b) Work with CMS and DHCF to reinstate the participant in other Medicaid and Medicare programs for which the participant is eligible.

- 8802.8 Until the effective date of the disenrollment, the PACE organization and participants shall meet the following requirements:
- (a) The PACE organization shall continue to furnish all needed services; and
  - (b) PACE participants shall continue to use PACE organization services and remain liable for any premiums.
- 8802.9 A previously disenrolled participant may be reinstated in the PACE program.
- 8802.10 If the reason for a PACE participant's disenrollment is failure to pay the premium and the participant pays the premium before the effective date of disenrollment, the participant shall be reinstated in the PACE program with no break in coverage.
- 8802.11 The PACE organization shall have a procedure in place to document the reasons for all voluntary and involuntary disenrollments, and shall make this documentation available for review by CMS and DHCF.

### **8803 PARTICIPANT RIGHTS**

- 8803.1 The PACE organization shall have a written participant bill of rights designed to protect and promote the rights of each participant, which include, at minimum, the rights specified at 42 CFR § 460.112.
- 8803.2 The PACE organization shall inform each participant and his or her authorized representative, if any, upon enrollment, in writing, of his or her rights and responsibilities, and all rules and regulations governing participation.
- 8803.3 The PACE organization shall fully explain these rights to each participant and his or her authorized representative, if any, at the time of enrollment in a manner understood by the participant.
- 8803.4 The PACE organization shall display the participant rights in accordance with the requirements set forth at 42 CFR § 460.116.
- 8803.5 The PACE organization shall have established documented procedures to respond to and rectify a violation of a participant's rights, in accordance with 42 CFR § 460.118.
- 8803.6 The PACE organization shall establish a written process to evaluate and resolve participant complaints expressing dissatisfaction with service delivery or the quality of care furnished, in accordance with the requirements set forth at 42 CFR § 460.120.

- 8803.7 The PACE organization shall establish a written appeals process to address the PACE organization's noncoverage of, or nonpayment for, a service, including denials, reductions, or termination of services, in accordance with the requirements set forth at 42 CFR § 460.122.
- 8803.8 The PACE organization shall inform a participant and his or her authorized representative, if any, in writing of his or her appeal rights under Medicare or Medicaid managed care, or if both are applicable, assist the participant in choosing which to pursue, and forward the appeal to the appropriate external entity, in accordance with 42 CFR § 460.124.
- 8803.9 The PACE organization shall also provide a Medicaid beneficiary participant and his or her authorized representative, if any, with information regarding the right to appeal any decision referenced in § 8803.7 by filing a hearing request with the District of Columbia Office of Administrative Hearings.

#### **8804 PACE ORGANIZATION APPLICATION PROCESS**

- 8804.1 To be eligible to become a PACE organization, an entity shall be, or be a distinct part of, one of the following:
- (a) An entity of city, county, state, or tribal government;
  - (b) A private not-for-profit entity organized for charitable purposes under Section 501(c)(3) of the Internal Revenue Code of 1986. The entity may be a corporation, a subsidiary of a larger corporation, or a department of a corporation; or
  - (c) A private for-profit entity.
- 8804.2 An entity that is interested in becoming a PACE organization shall submit a response to a Request for Proposals (RFP) issued by DHCF by no later than the established deadline published in the *D.C. Register*. The RFP response shall include the following:
- (a) A description of the entity's experience delivering or contracting with PACE programs or other home- and community-based services and supports;
  - (b) A description of the proposed PACE program model, including an explanation of how the entity meets all the requirements to be a PACE organization;
  - (c) A description of the proposed service area and the entity's experience and familiarity with it;

- (d) A description of the entity’s financial capacity to operate a PACE program and fiscal readiness to implement its proposed program model;
- (e) A PACE program development timeline; and
- (f) Any additional information requested in the published request for Proposal (RFP).

8804.3 Prior to the submission to CMS of an application to become a PACE organization, the interested entity shall:

- (a) Respond to all DHCF requests for additional information necessary to assess whether the entity is qualified to be a PACE organization;
- (b) Complete and submit a District Medicaid provider enrollment application in accordance with Chapter 94 of Title 29 DCMR;
- (c) Make its facilities available to onsite visit(s) by DHCF staff; and
- (d) Obtain written assurances from DHCF that DHCF:
  - (1) Considers the entity to be qualified to be a PACE organization; and
  - (2) Is willing to enter into a PACE program agreement with the entity.

8804.4 Following CMS approval of an application to become a PACE organization, the entity shall enter into a three-way agreement with CMS and DHCF for the operation of a PACE program. The PACE program agreement is effective for one (1) contract year, with the option to extend the agreement on a yearly basis for up to five (5) option years unless any of the three (3) parties chooses to terminate the agreement.

8804.5 The PACE program agreement shall comply with federal requirements at 42 CFR §§ 460.30 – 460.34.

**8805 PACE ORGANIZATION REQUIREMENTS**

8805.1 The PACE organization shall comply with the federal organizational, administrative, and governance requirements at 42 CFR §§ 460.60 – 460.86.

8805.2 The PACE organization shall comply with the District requirements for Adult Day Health Program providers, as applicable, at 29 DCMR §§ 9702.2 – 9704.3, 9708, and 9713.

8805.3 The PACE organization shall ensure that it has sufficient protections against insolvency in place by demonstrating compliance with provisions set forth in D.C. Official Code § 31-3412.

**8806 INTERDISCIPLINARY TEAM**

8806.1 The PACE organization shall meet the following requirements:

- (a) Establish an interdisciplinary team, in accordance with § 8806.2, at each PACE center to comprehensively assess and meet the individual needs of each participant; and
- (b) Assign each participant to an interdisciplinary team functioning at the PACE center that the participant attends.

8806.2 The interdisciplinary team shall be composed of members qualified to fill, at minimum, the following roles:

- (a) Primary care provider;
- (b) Registered nurse;
- (c) Master's-level social worker;
- (d) Physical therapist;
- (e) Occupational therapist;
- (f) Recreational therapist or activity coordinator;
- (g) Dietitian;
- (h) PACE center manager;
- (i) Home care coordinator;
- (j) Personal care attendant, or his or her representative; and
- (k) Driver, or his or her representative.

8806.3 Primary medical care shall be furnished to a participant by a primary care provider. The primary care provider shall be one of the following:

- (a) Primary care physician;
- (b) Community-based physician;

- (c) A physician assistant licensed in the District and practicing within the scope of practice as defined by District laws; or
- (d) A nurse practitioner licensed in the District and practicing within the scope of practice as defined by District laws.

8806.4 Each primary care provider is responsible for the management of a participant's medical situations and the oversight of a participant's use of medical specialists and inpatient care.

8806.5 The interdisciplinary team is responsible for the initial assessment, periodic reassessments, plan of care, and coordination of twenty-four (24) hour care delivery. Each interdisciplinary team member is responsible for the following:

- (a) Regularly informing the interdisciplinary team of the medical, functional, and psychosocial condition of each participant;
- (b) Remaining alert to pertinent input from other team members, participants, and caregivers; and
- (c) Documenting changes of a participant's condition in the participant's medical record consistent with documentation policies established by the medical director.

8806.6 The PACE organization shall ensure that all members of the interdisciplinary team have appropriate licenses or certifications under District law, act within the scope of practice as defined by District laws, and meet the requirements for direct participant care set forth in 42 CFR § 460.71.

8806.7 The PACE organization shall establish, implement, and maintain documented internal procedures governing the exchange of information between team members, contractors, participants, or participants' authorized representatives, and caregivers consistent with the requirements for confidentiality set forth in 42 CFR § 460.200(e).

## **8807 PARTICIPANT ASSESSMENT AND PLAN OF CARE**

8807.1 The interdisciplinary team shall conduct an initial in-person comprehensive assessment of each participant following enrollment. The assessment shall be completed in a timely manner in order to comply with the plan of care development requirements at § 8807.7. As part of the initial comprehensive assessment, each of the following members of the interdisciplinary team shall evaluate the participant in person and develop a discipline-specific assessment of the participant's health and social status:



- (a) Primary care provider;
- (b) Registered nurse;
- (c) Master's-level social worker;
- (d) Physical therapist;
- (e) Occupational therapist;
- (f) Recreational therapist or activity coordinator;
- (g) Dietitian; and
- (h) Home care coordinator.

8807.2 At the recommendation of the interdisciplinary team, other professional disciplines (*e.g.*, speech-language pathology, dentistry, or audiology) may be included in the initial comprehensive assessment process.

8807.3 The initial comprehensive assessment shall at a minimum include the evaluation of:

- (a) Physical and cognitive function and ability;
- (b) Medication use;
- (c) Participant and caregiver preferences for care;
- (d) Socialization and availability of family support;
- (e) Current health status and treatment needs;
- (f) Nutritional status;
- (g) Home environment, including home access and egress;
- (h) Participant behavior;
- (i) Psychosocial status;
- (j) Medical and dental status; and
- (k) Participant language.

- 8807.4 At least once every six (6) months, or more often if a participant's condition dictates, the following members of the interdisciplinary team shall conduct an in-person reassessment:
- (a) Primary care provider;
  - (b) Registered nurse;
  - (c) Master's-level social worker; and
  - (d) Other team members actively involved in the development or implementation of the participant's plan of care, as determined by the primary care provider, registered nurse, and Master's-level social worker.
- 8807.5 If the health or psychosocial status of a participant changes, the members of the interdisciplinary team listed at § 8807.4 shall conduct an in-person reassessment.
- 8807.6 If a participant, or his or her authorized representative, makes a request to initiate, eliminate, or continue a particular service, the appropriate members of the interdisciplinary team, as identified by the interdisciplinary team, shall conduct a reassessment in accordance with the following:
- (a) The reassessment may be conducted via remote technology when the interdisciplinary team determines that the use of remote technology is appropriate and the service request will likely be deemed necessary to improve or maintain the participant's overall health status and the participant, or his or her authorized representative, agrees to the use of remote technology.
  - (b) An in-person reassessment must be conducted:
    - (1) When the participant, or his or her authorized representative, declines the use of remote technology; and
    - (2) Before a PACE organization can deny a service request.
  - (c) The PACE organization must have explicit written procedures for timely resolution of requests by a participant, or his or her authorized representative, to initiate, eliminate, or continue a particular service.
  - (d) Except as permitted under § 8807.6(e), the interdisciplinary team must notify the participant, or his or her authorized representative, of its decision to approve or deny the request as expeditiously as the participant's condition requires, but no later than seventy-two (72) hours after the date the interdisciplinary team receives the request for reassessment.

- (e) The interdisciplinary team may extend the seventy-two (72) hour timeframe for notifying the participant, or his or her authorized representative, of its decision to approve or deny the request by no more than five (5) additional days for either of the following reasons:
  - (1) The participant, or his or her authorized representative, requests the extension; or
  - (2) The interdisciplinary team documents its need for additional information and how the delay is in the interest of the participant.
- (f) For any denial of a request to initiate, eliminate, or continue a particular service, the PACE organization must take the following actions:
  - (1) Explain the denial to the participant, or his or her authorized representative, orally and in writing;
  - (2) Provide the specific reasons for the denial in understandable language;
  - (3) Inform the participant, or his or her authorized representative, of the right to appeal the decision as specified in 42 CFR § 460.122;
  - (4) Describe both the standard and expedited appeals processes, including the right to, and conditions for, obtaining expedited consideration of an appeal of a denial of services as specified in 42 CFR § 460.122; and
  - (5) Describe the right to, and conditions for, continuation of appealed services through the period of an appeal as specified in 42 CFR § 460.122(e).
- (g) If the interdisciplinary team fails to provide the participant with timely notice of the resolution of the request or does not furnish the services required by the revised plan of care, this failure constitutes an adverse decision, and the participant's request must be automatically processed by the PACE organization as an appeal in accordance with 42 CFR § 460.122.

8807.7

The interdisciplinary team shall develop a plan of care for each PACE participant in accordance with the following requirements:

- (a) Within thirty (30) days of the date of enrollment in PACE, the interdisciplinary team must consolidate discipline-specific assessments

into a single plan of care for the participant through team discussions and consensus of the entire interdisciplinary team;

- (b) If the interdisciplinary team determines that certain services are not necessary to the care of the participant, the reasoning behind this determination must be documented in the plan of care;
- (c) The plan of care must include all of the following:
  - (1) Specify the care needed to meet the participant's medical, physical, emotional, and social needs, as identified in the initial comprehensive assessment;
  - (2) Identify measurable outcomes to be achieved;
  - (3) Utilize the most appropriate interventions for each care need that advances the participant toward a measurable goal and outcome; and
  - (4) Identify each intervention, how it will be implemented, and how it will be evaluated to determine progress in reaching specified goals and desired outcomes.
- (d) Female participants must be informed that they are entitled to choose a qualified specialist for women's health services from the PACE organization's network to furnish routine or preventive women's health services;
- (e) The interdisciplinary team must implement, coordinate, and monitor the plan of care, whether the services are furnished by PACE employees or contractors. The team must continuously monitor the participant's health and psychosocial status, as well as the effectiveness of the plan of care, through the provision of services, informal observation, input from participants, and/or participants' authorized representatives, and caregivers, and communications among members of the interdisciplinary team and other providers;
- (f) At least once every six (6) months, the interdisciplinary team must reevaluate the plan of care, including defined outcomes, and make changes as necessary;
- (g) The interdisciplinary team must develop, review, and reevaluate the plan of care in collaboration with the participant, and/or his or her authorized representative, and caregiver, to ensure that there is agreement with the plan of care and that the participant's concerns are addressed; and

- (h) The interdisciplinary team must document the plan of care, and any changes made to it, in the participant's medical record.

**8808 PACE SERVICES**

8808.1 If a Medicare beneficiary or Medicaid beneficiary enrolls in the PACE program, the following conditions apply:

- (a) The participant is not subject to Medicare and Medicaid benefit limitations and conditions relating to amount, duration, scope of services, deductibles, copayments, coinsurance, or other cost-sharing; and
- (b) The participant, while enrolled in a PACE program, must receive Medicare and Medicaid benefits solely through the PACE organization.

8808.2 The PACE benefit package for all participants must include the following:

- (a) All Medicare-covered items and services;
- (b) All Medicaid-covered items and services, as specified in the District's approved Medicaid state plan; and
- (c) Other services determined necessary by the interdisciplinary team to improve and maintain the participant's overall health status.

8808.3 The PACE benefit package for Medicare-enrolled participants must also meet the requirements at 42 CFR § 460.94.

8808.4 The following services are excluded from coverage under PACE:

- (a) Any service that is not authorized by the interdisciplinary team, even if it is a required service, unless it is an emergency service;
- (b) In an inpatient facility, private room and private duty nursing services (unless medically necessary), and nonmedical items for personal convenience such as telephone charges and radio or television rental (unless specifically authorized by the interdisciplinary team as part of the participant's plan of care);
- (c) Cosmetic surgery, which does not include surgery that is required for improved functioning of a malformed part of the body resulting from an accidental injury or for reconstruction following mastectomy;
- (d) Experimental medical, surgical, or other health procedures; and

- (e) Services furnished outside of the United States, except when in accordance with 42 CFR §§ 424.122 and 424.124.

8808.5 The PACE organization must establish and implement a written plan to furnish care that meets the needs of each participant in all care settings twenty-four (24) hours a day, every day of the year.

8808.6 The PACE organization must furnish comprehensive medical, health, and social services that integrate acute and long-term care. These services must be furnished in at least the PACE center, the home, and inpatient facilities.

8808.7 The PACE organization may not discriminate against any participant in the delivery of required PACE services based on race, ethnicity, national origin, religion, sex, gender, age, sexual orientation, mental or physical disability, or source of payment.

## **8809 PACE CENTER**

8809.1 PACE centers must be operated in accordance with the following requirements:

- (a) The PACE organization must operate at least one PACE center either in, or contiguous to, its defined service area with sufficient capacity to allow routine attendance by participants.
- (b) The PACE organization must ensure accessible and adequate services to meet the needs of its participants. If necessary, the PACE organization must increase the number of PACE centers, staff, or other PACE services.
- (c) If the PACE organization operates more than one PACE center, each center must offer the full range of services and have sufficient staff to meet the needs of participants.

8809.2 The PACE organization must ensure that each PACE center is in compliance with safety and accessibility standards for disabled persons in accordance with the Americans with Disabilities Act of 1990 (ADA), as amended and supplemented by the American Disabilities Amendments Act of 2008, approved September 25, 2008, and its implementing federal regulations, ADA standards for accessible design, 28 CFR Ch. I, parts 35 and 36.

8809.3 The PACE organization must maintain a Certificate of Occupancy from the Department of Consumer and Regulatory Affairs (DCRA) to ensure that the PACE center is in compliance with the applicable zoning regulations and construction codes including electrical, plumbing, mechanical, and fire prevention requirements in accordance with the Construction Codes Supplement of 2013 under Title 12 DCMR.

- 8809.4 At a minimum, the following services must be furnished at each PACE center:
- (a) Primary care, including services furnished by a primary care provider as defined at § 8806.3 and nursing services;
  - (b) Social services;
  - (c) Restorative therapies, including physical therapy and occupational therapy;
  - (d) Personal care and supportive services;
  - (e) Nutritional counseling;
  - (f) Recreational therapy; and
  - (g) Meals, which must be prepared and served in accordance with the food safety requirements set forth in Title 25 DCMR.

**8810 EMERGENCY CARE**

- 8810.1 The PACE organization must establish and maintain a written plan to handle emergency care in accordance with the following requirements:
- (a) The plan must ensure that CMS, DHCF, and PACE participants are held harmless if the PACE organization does not pay for emergency services; and
  - (b) The plan must provide for the following:
    - (1) An on-call provider, available twenty-four (24) hours per day to address participant questions about emergency services and respond to requests for authorization of urgently needed out-of-network services and post-stabilization care services following emergency services; and
    - (2) Coverage of urgently needed out-of-network and post-stabilization care services when either:
      - (A) The services are preapproved by the PACE organization; or
      - (B) The services are not preapproved by the PACE organization because the PACE organization did not respond to a request for approval within one (1) hour after being contacted or cannot be contacted for approval.

8810.2 Emergency care is appropriate when services are needed immediately because of an injury or sudden illness and the time required to reach the PACE organization or one of its contract providers would cause risk of permanent damage to the participant's health. Emergency services include inpatient and outpatient services that are:

- (a) Furnished by a qualified emergency services provider, other than the PACE organization or one of its contract providers, either in or out of the PACE organization's service area; and
- (b) Necessary to evaluate or stabilize an emergency medical condition, as defined at 42 CFR § 460.100(c).

8810.3 The PACE organization must ensure that each participant, and his or her authorized representative, and caregiver, understand when and how to get access to emergency services and that no prior authorization is needed.

## **8811 REIMBURSEMENT**

8811.1 Under the PACE program agreement and 42 CFR § 460.180, CMS will make a prospective monthly payment to the PACE organization of a capitation amount for each Medicare participant.

8811.2 Under the PACE program agreement and 42 CFR § 460.182, DHCF will make a prospective monthly payment to the PACE organization of a capitation amount for each Medicaid participant.

8811.3 The monthly capitation payment amount is negotiated between the PACE organization and DHCF, and specified in the PACE program agreement.

8811.4 The PACE organization must accept the capitation amount as payment in full for Medicaid participants and may not bill, charge, collect, or receive any other form of payment from DHCF or from, or on behalf of, the participant or authorized representative, except as follows:

- (a) Payment with respect to any applicable spend-down liability and any amounts due under the post-eligibility treatment of income process;
- (b) Medicare payment received from CMS or from other payers, in accordance with 42 CFR § 460.180(d).

## **8812 DATA COLLECTION, RECORD MAINTENANCE, AND REPORTING REQUIREMENTS**

8812.1 The PACE organization must collect data, maintain records, and submit reports in accordance with the following:



- (a) The PACE organization must collect data, maintain records, and submit reports as specified in the program agreement and as otherwise necessary to enable DHCF and CMS to monitor the operation, cost, quality, and effectiveness of the program and establish payment rates;
- (b) DHCF and CMS must be granted free access to PACE organization data and records including, but not limited to, participant health outcomes data, financial books and reports, medical records, and personnel records; and
- (c) The PACE organization must submit financial records and reports to DHCF according to the format and frequency specified by DHCF in the PACE program agreement.

8812.2 The PACE organization must establish written policies and implement procedures to safeguard all data, records, and financial books against loss, destruction, unauthorized use, or inappropriate alteration.

8812.3 The PACE organization must establish written policies and implement procedures to protect the privacy of participant records and any information that identifies a particular participant, in accordance with the following requirements:

- (a) Information from, or copies of, records may be released only to authorized individuals. Original medical records may be released only in accordance with federal or District law, court orders, or subpoenas; and
- (b) The PACE organization must abide by all federal and District laws regarding confidentiality and disclosure for medical records, mental health records, and other participant health information.

8812.4 The PACE organization must maintain a single, comprehensive medical record for each participant, in accordance with accepted professional standards and the following requirements:

- (a) The medical record for each participant must be complete, accurately documented, readily accessible, systematically organized, available to all staff, and maintained and housed at the PACE center where the participant receives services;
- (b) At minimum, the medical record must contain the following:
  - (1) Appropriate identifying information;
  - (2) Documentation of all services furnished, including but not limited to, a summary of emergency care and other inpatient or long-term

care services; services rendered by employees of the PACE center; and services rendered by contractors and their reports;

- (3) Interdisciplinary assessments, reassessments, plans of care, treatment and progress notes that include the participant’s response to treatment;
  - (4) Laboratory, radiological and other test reports;
  - (5) Medication reports;
  - (6) Hospital discharge summaries, if applicable;
  - (7) Reports of contact with informal support (*e.g.*, caregiver, legal guardian, or next of kin);
  - (8) PACE enrollment agreement;
  - (9) Physicians orders;
  - (10) Discharge summary and disenrollment justification, if applicable;
  - (11) Advance directives, if applicable; and
  - (12) A signed release permitting disclosure of personal information;
- (c) The PACE organization must promptly transfer copies of medical record information between treatment facilities;
  - (d) All entries in the medical record must be legible, clear, complete, and appropriately authenticated and dated. Acceptable types of authentication include signatures or secured computer entry by a unique identifier of the primary author who has reviewed and approved the entry; and
  - (e) The PACE organization must retain each participant medical record for the period of time required under § 8812.6.

8812.5 A participant must be granted timely access, upon request, to review and copy his or her own medical records and to request amendments to those records.

8812.6 The PACE organization must retain records for the longest of the following periods:

- (a) For medical records of participants, ten (10) years from the last entry date;

- (b) For medical records of disenrolled participants, ten (10) years from the date of disenrollment from PACE; and
- (c) For all other records, ten (10) years from the last entry date.

8812.7 The PACE organization must establish and maintain a health information system that collects, analyzes, integrates, and reports data necessary to measure the organization's performance, including outcomes of care provided to participants. The PACE organization must furnish data and information pertaining to its provision of participant care in the manner, and at the time intervals, specified by CMS and DHCF in the PACE program agreement.

8812.8 The PACE organization must participate in the District's Health Information Exchange (DC HIE) as specified in the PACE program agreement.

### **8813 QUALITY IMPROVEMENT**

8813.1 The PACE organization must develop, implement, maintain, and evaluate an effective, data-driven quality improvement program. The program must include all services provided by the PACE organization, and the PACE organization must take actions that result in improvements in its performance in all types of care.

8813.2 The PACE organization must have a written quality improvement plan, which is reviewed, and revised if necessary, annually by the PACE organization's governing body. The plan will be incorporated into the PACE program agreement and must specify how the PACE organization proposes to:

- (a) Identify areas to improve or maintain the delivery of services and patient care;
- (b) Develop and implement plans of action to improve or maintain quality of care; and
- (c) Document and disseminate to PACE staff and contractors the results from the quality improvement activities.

8813.3 The quality improvement program must include the use of objective measures to demonstrate improved performance in the areas identified in 42 CFR § 460.134.

8813.4 Outcome measures must be based on current clinical practice guidelines and professional practice standards applicable to the care of PACE participants. The PACE organization must ensure that all data used for outcome monitoring are accurate and complete.

- 8813.5 The PACE organization must meet or exceed minimum levels of performance on standardized quality measures, as established by CMS and DHCF in the PACE program agreement.
- 8813.6 The PACE organization must comply with the internal quality improvement activities requirements described in 42 CFR § 460.136.
- 8813.7 The PACE organization must establish one or more committees with community input. Duties of the committee(s) shall include:
- (a) Evaluate data collected pertaining to quality outcome measures;
  - (b) Address the implementation of, and the results from, the quality improvement plan; and
  - (c) Provide input related to ethical decision-making, including end-of-life issues and implementation of the Patient Self-Determination Act (42 U.S.C. §§ 1395cc(f) and 1396a(w)).
- 8813.8 The PACE organization must meet external quality assessment and reporting requirements, as specified in the PACE program agreement, in accordance with 42 CFR § 460.202.

#### **8814 SANCTIONS, ENFORCEMENT ACTIONS, AND TERMINATION**

- 8814.1 If CMS determines that the PACE organization has committed any of the violations set forth at 42 CFR § 460.40(a), or CMS or DHCF makes a determination that could lead to a termination of the PACE program agreement under 42 CFR § 460.50, CMS has the authority to impose the following sanctions:
- (a) Suspend enrollment of Medicare beneficiaries or suspend Medicare payment to the PACE organization, in accordance 42 CFR § 460.42;
  - (b) Impose civil money penalties, in accordance with 42 CFR § 460.46; or
  - (c) Pursue any other remedies authorized by federal or District law.
- 8814.2 If CMS, after consultation with DHCF, determines that the PACE organization is not in substantial compliance with program requirements, CMS or DHCF has authority to take one or more of the following actions:
- (a) Condition the continuation of the PACE program agreement upon timely execution of a corrective action plan;
  - (b) Withhold some or all payments under the PACE program agreement until the PACE organization corrects the deficiency; or

- (c) Terminate the PACE program agreement.

8814.3 CMS or DHCF has the authority to terminate a PACE program agreement at any time for cause, including, but not limited to the circumstances set forth in paragraphs (a) or (b) of this subsection:

- (a) CMS or DHCF has authority to terminate a PACE program agreement if a determination is made that both of the following circumstances exist:

- (1) Either:

- (A) There are significant deficiencies in the quality of care furnished to participants; or

- (B) The PACE organization failed to comply substantially with conditions for a PACE program or PACE organization under 42 CFR Part 460, or with terms of its PACE program agreement, including making payment to an individual or entity that is included on the preclusion list, defined at 42 CFR § 422.2.

- (2) Within thirty (30) days of the date of the receipt of written notice of a determination made under § 8814.3(a)(1), the PACE organization failed to develop and successfully initiate a plan to correct the deficiencies or failed to continue implementation of the plan of correction.

- (b) CMS or DHCF has authority to terminate a PACE program agreement if CMS or DHCF determines that the PACE organization cannot ensure the health and safety of its participants. This determination may result from the identification of deficiencies that CMS or DHCF concludes cannot be corrected.

8814.4 The PACE organization has authority to terminate a PACE program agreement after giving timely written notice to CMS, DHCF, and participants. Notice shall be timely if the PACE organization:

- (a) Submits written notice to CMS and DHCF at least ninety (90) days before the proposed effective date of the termination; and

- (b) Submits written notice to participants at least sixty (60) days before the proposed effective date of the termination.

8814.5 The PACE organization must develop a written plan detailing how, in the event of termination, the organization will complete the following actions:

- (a) Give written notice to participants, the community, CMS, and DHCF about termination and transition procedures;
- (b) Assist participants with reinstatement of conventional Medicare and Medicaid benefits;
- (c) Transition participants' care to other providers; and
- (d) End all marketing and enrollment activities.

8814.6 A PACE organization whose PACE program agreement is in the process of being terminated must assist each participant in obtaining necessary transitional care through appropriate referrals and making the participant's medical records available to new providers.

## 8899 DEFINITIONS

8899.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Contract year** - The term of a PACE program agreement, which is a calendar year, except that a PACE organization's initial contract year may be from twelve (12) to twenty-three (23) months, as determined by CMS.

**PACE center** - A facility operated by an approved PACE organization, which includes a primary care clinic, areas for therapeutic recreation, restorative therapies, socialization, personal care, and dining, and which serves as the focal point for coordination and provision of most PACE services.

**PACE organization** - An entity as defined in 42 CFR § 460.6 that has in effect a PACE program agreement to operate a PACE program in the District.

**PACE program** - A program of all-inclusive care for the elderly that is operated by an approved PACE organization and that provides comprehensive healthcare services to PACE enrollees in accordance with a PACE program agreement.

**PACE program agreement** - An agreement between a PACE organization, CMS, and DHCF for the operation of a PACE program.

**Post-stabilization care** – Non-emergency services provided subsequent to an emergency that a treating physician views as medically necessary after an emergency medical condition has been stabilized.

**Program of All-Inclusive Care for the Elderly (PACE)** – A jointly administered capitated Medicare/Medicaid program providing medical and long-term care services to individuals fifty-five (55) years of age and older who require a nursing home level of care.

**Urgent care** – The care provided to a PACE participant who is out of the PACE service area, and who believes their illness or injury is too severe to postpone treatment until they return to the service area, but their life or function is not in severe jeopardy.

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

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health (Department), pursuant to § 302(4) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her intent to adopt the following amendments to Chapter 81 (Polysomnography) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update Sections 8105 (Renewals, Reinstatements, and Reactivations of Polysomnographic Technologist Licenses) and 8199 (Definitions) of the District of Columbia Municipal Regulations pertinent to the Board of Medicine, in order to amend the requirement for continuing education for polysomnographic technologists. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

**Chapter 81, POLYSOMNOGRAPHY, of Title 17 DCMR, BUSINESS OCCUPATIONS AND PROFESSIONS, is amended as follows:**

**Section 8105, RENEWALS, REINSTATEMENTS, AND REACTIVATIONS OF POLYSOMNOGRAPHIC TECHNOLOGIST LICENSES, is amended to read as follows:**

**8105 RENEWALS, REINSTATEMENTS, AND REACTIVATIONS OF POLYSOMNOGRAPHIC TECHNOLOGIST LICENSES**

8105.1 An applicant for renewal of a polysomnographic technologist license shall:

- (a) Submit an application to renew the license;
- (b) Complete a minimum of twenty (20) continuing education credits during the two (2) year period preceding the date the license expires, of which at least ten percent (10%) of the total required continuing medical education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;
- (c) Attest to completion of the required continuing education credits on the renewal application form; and
- (d) Be subject to a random audit.



8105.2 To qualify to reactivate a polysomnographic technologist license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) shall:

- (a) Submit an application to reactivate the license;
- (b) Submit proof pursuant to § 8105.7 of having completed twenty (20) hours of approved continuing education credits within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional ten (10) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year. At least ten percent (10%) of the total required continuing medical education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;
- (c) Pay the required reactivation fee; and
- (d) Submit a completed criminal background check in accordance with 17 DCMR § 8501.

8105.3 To qualify for reinstatement of a license, an applicant for reinstatement shall:

- (a) Submit an application to reinstate the license;
- (b) Submit proof pursuant to § 8105.7 of having completed twenty (20) hours of approved continuing education credits within the two (2) year period preceding the date of the application for reinstatement of that applicant's license and an additional ten (10) hours of approved continuing education credit for each additional year that the applicant was in an inactive status beginning with the third year. At least ten percent (10%) of the total required continuing medical education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently as deemed appropriate by the Director with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;
- (c) Pay the required reinstatement fee; and

- (d) Submit a completed criminal background check in accordance with 17 DCMR § 8501.

**Section 8199, DEFINITIONS, is amended as follows:**

**Subsection 8199.1 is amended as follows:**

**The following definition is added before the definition of “General supervision”:**

**Director** – The Director of the Department of Health, or his or her designee.

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

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (DC Health), pursuant to Section 4902 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2018 Repl.)), and Mayor’s Order 2007-63, dated March 8, 2007, hereby gives notice of the intent to amend Subtitle I (Public Health Nuisances and Rodent Control Regulations) of Title 25 (Food Operations and Community Hygiene Facilities) of the District of Columbia Municipal Regulations (DCMR), by adding a new Chapter 5 (Schedule of Fees and Services).

This rulemaking ensures the public that property owners’ demolition or removal of existing buildings or structures, other than a fence or a shed, in the District are in compliance with DC Health’s Public Health Nuisances and Rodent Control Regulations, which were published in the *D.C. Register* on July 5, 2019 at 66 DCR 007951.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

**Title 25-I DCMR, PUBLIC HEALTH NUISANCES AND RODENT CONTROL REGULATIONS, is amended as follows:**

**A new Chapter 5, SCHEDULE OF FEES AND SERVICES, is added to read as follows:**

**500 SCHEDULE OF FEES AND SERVICES**

500.1 The following fees are assessed for services provided by the Rodent and Vector Control Division pursuant to § 207 of this title, such as field inspections or complaint-based inspections:

<u>Commercial Raze Inspections</u>	<u>Fees:</u>
Initial Inspection	\$ 250.00
Re-Inspection (as necessary)	\$ 250.00 (per inspection)
DC Health Raze Approval Letter	\$ - 0 -
 <u>Inspection and Treatment of Outdoor Public Space</u>	 \$ - 0 -

500.2 All fees may be paid electronically or by certified check, money order, business check, or personal check made payable to the “District of Columbia Treasurer.”

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health (DC Health), 899 North Capitol Street, N.E., Room 6055, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black (Paralegal Specialist) on (202) 442-5977 or email [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov).

**THE OFFICE OF LOTTERY AND GAMING**

**NOTICE OF PROPOSED RULEMAKING**

**DISTRICT OPERATED SPORTS WAGERING**

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), 36-621.02, and 36-621.11 (2012 Repl.)), and Office of the Chief Financial Officer Management Control Order No. 96-22, effective September 24, 1996, hereby gives notice of her intent to amend Chapter 20 (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 Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; 66 DCR 1402 (February 1, 2019)).

The Executive Director also gives notice of her 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 20, [RESERVED], is amended to read as follows:**

**CHAPTER 20 DISTRICT OPERATED SPORTS WAGERING**

- 2000 USE OF THE OFFICE’S SPORTS WAGERING MOBILE APPLICATION OR WEBSITE**
- 2001 ACCOUNTS**
- 2002 ACCOUNT FUNDING**
- 2003 BONUSES AND PROMOTIONAL OFFERS**
- 2004 GEOLOCATION**
- 2005 WAGERS**
- 2006 PRIZE CLAIMS**
- 2007 WITHDRAWING PRIZES**
- 2008 SPORTS WAGERS AND WAGER TYPES**
- 2009 FOOTBALL**
- 2010 BASKETBALL**
- 2011 BASEBALL**
- 2012 ICE HOCKEY**
- 2013 SOCCER**
- 2014 TENNIS**
- 2015 BOXING/COMBAT SPORTS (MMA)**
- 2016 GOLF**

- 2017 MOTOR SPORTS
- 2018 AUSTRALIAN RULES FOOTBALL
- 2019 CRICKET
- 2020 DARTS
- 2021 FUTURES AND SPECIAL WAGERS
- 2022 RESPONSIBLE GAMING PROGRAM
- 2099 Lo

**2000 USE OF THE OFFICE’S SPORTS WAGERING MOBILE APPLICATION OR WEBSITE**

2000.1 To Deposit funds and/or place a Wager using Office’s Mobile App or Site a Player must:

- (a) Be at least eighteen (18) years of age;
- (b) Have a valid Account;
- (c) Have sufficient funds in their Account to Wager;
- (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 within those boundaries of the District of Columbia not otherwise prohibited by law to place a Wager; and
- (f) Be in compliance with all applicable District, federal, state, and local laws, rules, and regulations.

2000.2 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 Account;
- (f) Attempts to reverse, deny, charge-back, or otherwise block our receipt of any funds the Player has Deposited into their Account;
- (g) Deposits or attempts to Deposit any funds derived from an unlawful or fraudulent activity into the Player’s 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, or directive of the Office or any specific game rules.

## **2001 ACCOUNTS**

- 2001.1 To apply for an Account, a Player must provide all information requested on the registration form including, the Player's full legal name, address, date of birth, and last four digits of the Player's Social Security number.
- 2001.2 By submitting an application for an Account, a Player represents and warrants that:
- (a) They are applying for an Account in their own name;
  - (b) They are using their own personal information;
  - (c) The information they provide is true, complete, and accurate to the best of their knowledge;
  - (d) They will keep their username and password confidential;
  - (e) They do not already have an open Account;
  - (f) They are not prohibited from gambling, wagering on Sports Events, or otherwise prohibited from using the Services; and

(g) They are not opening the Account for any illegal purpose.

- 2001.3 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 Account application.
- 2001.4 The Office may require a Player to change or update Account information at any time, including the Player's username and password.
- 2001.5 Players may not open more than one Account.
- 2001.6 By submitting an application for an 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.
- 2001.7 A Player's application for an Account shall be denied if the Player's age or identity cannot be verified.
- 2001.8 The Office may close an Account if the Player has not logged into the Account for eighteen (18) consecutive months.
- 2001.9 A Player may close their Account at any time except that the Account may remain in pending closure status if there are outstanding confirmed Wagers, such as a Wager on a future Sports Event.

## **2002 ACCOUNT FUNDING**

- 2002.1 A Player may Deposit funds into their Account using by a credit card, debit card, ACH bank transfer, electronic wallet, or any other method approved by the Office.
- 2002.2 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 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.

- 2002.3 The Office may require a Player to provide additional information and documents.
- 2002.4 The Office does not guarantee that a Deposit will be processed and made available in any specific period of time.
- 2002.5 The Office is not liable for any damages or losses resulting from any delay, denial or error in processing a Deposit.
- 2002.6 Players must abide by all applicable terms and conditions required by their financial institution or payment processor.
- 2002.7 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.
- 2002.8 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.
- 2002.9 Player Deposits into an Account cannot be withdrawn, returned, charged-back, re-credited, or transferred to another Account. It is the Player's responsibility to refrain from depositing more funds than they intend to use.
- 2002.10 The Office may set or change a minimum required or maximum allowed Deposit amount.
- 2002.11 The Office may make the appropriate adjustments to a Player's Account if funds are mistakenly credited to or deducted from the Account.
- 2002.12 Players must promptly notify the Office if funds are incorrectly credited to or deducted from their Account.
- 2002.13 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 Account.

2002.14 The Office may void any Wagers and refuse to pay any prizes or recover any prizes already paid if a Player used funds that were incorrectly credited to their Account to purchase the Wager.

2002.15 Players will not receive any interest, dividends, premiums, or loss of use compensation of any kind on funds Deposited or held in their Account, including any claimed or unclaimed prizes.

### **2003 BONUSES AND PROMOTIONAL OFFERS**

2003.1 The Office may offer Bonuses or similar promotional incentives. Bonuses appear as funds in the Player's Account and may be used to play Games as described in the specific rules for the particular Bonus or promotional offering. Bonuses have no cash value and are not eligible for Withdrawal.

2003.2 Each Bonus or promotional offering may have additional terms and conditions that will be disclosed to Players on the Mobile App and Site.

2003.3 Players must comply with any published terms and conditions to be eligible to use Bonuses or similar promotional offering.

2003.4 Closure of the Account will render a Bonus void.

2003.5 Bonuses are not transferable between Accounts.

2003.6 Bonuses must be played at least once in order to have the corresponding Winnings available for Withdrawal.

### **2004 GEOLOCATION**

2004.1 Players consent to the Office 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 place Wagers.

2004.2 The Office's ability to geolocate a Player, may require a high-speed internet connection ("wi-fi"). The Office is not responsible for any charges associated with a Player's use of high-speed internet connection.

2004.3 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 Wager through the Services.

2004.4 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.

## **2005 WAGERS**

2005.1 The Office will only accept Wagers through the Mobile App, Site and licensed Lottery Sports Wagering retailers that are recorded on the Office's gaming system.

2005.2 Mobile and Site-based Wagers are placed through the internet connection between the Player's device and the Office's sports wagering system.

2005.3 A Wager is only considered placed when it is Confirmed by the Office.

2005.4 All confirmed Wagers are final.

2005.5 A Player cannot cancel or refund Wagers once they have been Confirmed by the Office.

2005.6 Wagers lost in transmission will not be recorded and therefore will not be confirmed. A Player will be required to have a high-speed internet connection to place Wagers for geolocation purposes. The Office is not responsible for costs associated with use of a high-speed internet connection.

2005.7 A Wager can only be placed on a given Sports Event if it is available on the Mobile App or Site and the terms for placing the Wager have not expired. The Office has the sole discretion to determine what Wagers are available at any given time on the Mobile App and Site. The Office only allows Wagers on Sport Events with a Governing Body.

2005.8 Wagers are processed in the order they are received. Unless otherwise stated, all times shown on the Mobile App or Site or terminal are Eastern Time (ET). Generally, Pre-Game Wagers must be placed prior to the start time of the Sports Event. The start time for a Sports Event is the official start time declared by the competition's Governing Body. For Sports Events in which an official start time is not declared, the advertised start time of the Sports Event is considered the start time. At the discretion of the Office, Pre-Game Wagers may be accepted after the start time of the Sports Event if the final result is not known and no team or participant has achieved a material advantage (such as, but not limited to, scoring a goal or touchdown or expulsion of a player) at the time the Pre-Game Wager is placed. Disputes regarding the time a Wager is placed are resolved by the Office.

2005.9 The Office reserves the right to void any Wager at any time for any reason. If the outcome of the Sports Event is known or a material advantage has occurred, the

Office reserves the right to void the Wager, regardless of its outcome. If an In-Game Wager has been placed after the outcome of the Event Wagered on is known or a team or participant has achieved a material advantage (e.g., scoring a goal or touchdown or expulsion of a player), the Office reserves the right to void the In-Game Wager, regardless of its outcome. If the Office cannot satisfactorily determine the official Sports Event results, then the Office may void and refund the Wager amount only as provided in the House Rules. A Wager is void and no Winnings will be paid if the Office determines a Player placed the Wager illegally or otherwise violated these rules.

- 2005.10 The Wager amount is at the sole risk and discretion of the Player, except that the Office may impose minimum and maximum Wager amount limits or prize amount limits at any time. Such limits will be communicated to the Player on the Mobile App and Site. The Wager amount may not exceed the amount in the Account. When a Player places a Wager, the Wager amount is deducted from the Account and ultimately withdrawn from the Account. Notwithstanding the foregoing, a Player may self-impose limits in accordance with the Office's Responsible Gaming Program.
- 2005.11 The Office determines if a Wager is a winning Wager based on the official Sports Event results. The scores and results for a game become the official Sports Event results when the Office enters the results in the Office gaming system. Before the results are declared official by the competition's Governing Body, the Office may recognize changes to the results and resettle Wagers, but once the results are declared official, the Office will generally not recognize changes including, but not limited to, the game's final score, or any protests, overturned decisions, or statistical changes made by the competition's Governing Body that changes the final score or call on a particular play.
- 2005.12 A "push" means that the official result of a Sports Event ends right on the listed point spread or finishes in a draw or tie. For such Wagers, the Winnings are equal to the original Wager amount and subject to Offsets as referenced in these rules.
- 2005.13 Subject to 30 DCMR § 400 (Hearings), Players agree that the Office's decision are final and binding on all matters in relation to Wagering, or the Player's eligibility for a prize, claim or Winnings.
- 2005.14 The Player accepts that, from time to time, errors may be involved with Wagers and a resettlement of the Wager may be required. Errors for purposes of resettlement include, operator errors, the competition's Governing Body changes a call on a particular play or final score or a malfunction may cause Winnings to be incorrectly credited to the Player's Account.
- 2005.15 If there is a discrepancy between the numbers that the Player believes they entered or the graphic display of the Game and those in the Office's gaming system or any of Office's service provider's databases, the numbers in the database are considered valid.

2005.16 If it appears that a series of Wagers contain duplicative or identical selections made by, or on behalf of, the same person or group of people, or in their favor, the Office reserves the right to suspend the Players' Accounts involved until an investigation is completed. These Wagers are ineligible for Winnings.

## **2006 PRIZE CLAIMS**

2006.1 Winnings are only paid if the Office has previously verified all relevant information including, name, age and Physical Address of the Player.

2006.2 Prize payments are subject to tax withholding and reporting.

2006.3 Prize payments may be subject to delinquent child support offsets and other offsets required by law.

2006.4 The Foreign Account Tax Compliance Act (FATCA) requires U.S. taxpayers to report certain foreign financial accounts and offshore assets. It also requires certain foreign financial institutions to report all U.S. account holders who are specified U.S. citizens. Players are responsible for complying with any FATCA requirements they may be subject to.

2006.5 A Claim may not be premised upon the human or electronic error in the communication, display or transmission of data regardless of how that data is recorded, displayed or transmitted. A Claim may not be premised upon any intentional human, electronic or other form of communication or transmission that was not authorized by the Office. The Office is not liable for any damages or losses resulting from any erroneous or unauthorized communication, display or transmission of data.

## **2007 WITHDRAWING PRIZES**

2007.1 Players may Withdraw prizes in their Account.

2007.2 Players may not Withdraw Deposits that are made into their Account.

2007.3 It is the Player's responsibility not to Deposit more than they intend to Wager.

2007.4 Prizes may be Withdrawn by ACH, bank transfer, electronic wallet, bank draft or other method the Office approves. Players may initiate a Withdrawal through their Account. By initiating a Withdrawal, Players consent that the Office may:

- (a) Deduct the Withdrawal amount from their Account;
- (b) Retain any amount owed to the Office under these terms; and
- (c) Share their personal information with any third parties the Office uses to process the request.

- 2007.5 Players cannot make any Withdrawal, including any prize amount, until they have successfully completed at least one verified Deposit. The Office is not liable for any damages or losses resulting from delay in processing a Withdrawal.
- 2007.6 Before processing a Withdrawal, the Office may require Players to provide additional information, provide copies of documents, or appear in person at Office headquarters. Players may also be required to complete additional Claim forms and/or certify documentation detailing their Deposits, Withdrawals, and other Account transactions.
- 2007.7 The Office may hold any Withdrawal if it is suspected that a Player may be engaging in or have engaged in fraudulent, collusive, unlawful or improper activity pending completion of an investigation. Players are required to cooperate in any investigation into such activity. A Player's refusal to cooperate with an investigation may lead to a hold being placed on their Withdrawal. The Office is not liable for any damages or losses resulting from any delay or denial of a Withdrawal resulting from an investigation.

## **2008 SPORTS WAGERS AND WAGER TYPES**

- 2008.1 The Office may offer the following Wagers and Wager types:
- (a) Money Line—A Money Line or straight up wager is a bet on the outright winner of the game or event without any point spread odds;
  - (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread”;
  - (c) Total Over/Under—Total Over/Under Wagers are placed on a line set by the Office that is the total combined score at certain points during the game, including any extra time added if the score was tied at the end of regulation time. In a Total Over/Under Wager, a Player predicts the score to be lower or higher than the set line to win the Wager;
  - (d) Head to Head—Head to Head Wagers are available for games or events in which a direct comparison can be made between two teams or two individual participants in a game or event;
  - (e) Odd/Even—Odd/Even involves predicting whether the total points scored in a game or event will be an odd or even number. This Wager can be offered for an individual team separately, or for a specified period of the game, or for any combination of team and period in which case the prediction will only involve the score in these specific periods. In all circumstances, zero (0) is considered to be an even number;

- (f) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”;
- (g) Single Wager—A Single Wager is the most commonly used wager type. It is a straight bet based on the outcome of an event. Winnings are calculated by multiplying the odds of the selection by the stake;
- (h) Futures/Outrights—A Future Wager is a Wager placed on a game or event typically held far in advance such as which team will win a championship or series;
- (i) Parlay Wager—Parlay Wagers combine multiple individual Wagers into one Wager on a single ticket. The total odds in a Parlay Wager are calculated by multiplying the odds of all the individual picks. A Parlay Wager does not pay out anything unless all the selections on the ticket are correct;
- (j) System Wager—System Wagers require at least three or more selections on a single ticket. The main difference between System Wagers and Parlay Wagers is that a System Wager can be won without all selections on the ticket being correct;
- (k) Banker—Bankers are available only with System Wagers. The Player will usually choose a Banker Wager to be the wager within a System Wager that they feel has the highest probability of success. A Banker Wager must be correct otherwise the entire Wager fails. The amount of the winnings on a System Wager with a Banker depends on how many of the selections are correct. If the Banker is incorrect or the System Wager criterion is not satisfied, the Player loses the Wager;
- (l) In-Game Wagering—In-Game Wagering involves placing a Wager during a game or event. Odds for In-Game Wagers change after almost every play or possession throughout the game; and
- (m) Dead Heat—Dead Heat is a situation in which two or more competitors achieve the same result. In the case of Dead Heat Wagers the stake money is proportionately divided according to the number of selections which had a Dead Heat result and are paid at full-odds.

**2009****FOOTBALL**

## 2009.1

Overtime is taken into account for football Wagers except for the following Wager types: Final Result in the form of Home/Tie/Away or 1X2; Half Time/Full Time (Home/Tie/Away or 1X2); and, those Wagers that have to do with second (2<sup>nd</sup>) half or fourth (4<sup>th</sup>) quarter in which the score of the specific time period of the game is taken into account. In the instance where the game is suspended before the completion of regulation time, but with five (5.00) or less minutes

remaining on the clock (based on the individual rules per competition) and the game is not continued within the next twenty-four (24) hours, then all Wagers take into account the result at the time of suspension.

2009.2

The Office may offer the following football Wager types:

- (a) Money Line—In a “Money Line” Wager, the Player predicts the outright winner of the game (either for the home team or away team to win). There is no Point Spread involved in a Money Line Wager. In the event of a tie, the stake will be returned to the Player.
- (1) In a 3way “Money Line” Wager the Player has three options, to predict either the home team to win, the away team to win, or for the game to end in a tie (not taking into account any overtime played).
  - (2) In a 3way Money Line “1st Half Winner” Wager, the Player predicts the result of the 1st half of a game by correctly selecting either for the home team to win, for the away team to win, or for the first (1<sup>st</sup>) half to end in a tie.
  - (3) In a 3way Money Line “2nd Half Winner” Wager, the Player predicts the result of the 2nd half of a game by selecting either for the home team to win, for the away team to win, or for the 2<sup>nd</sup> half to end in a tie, taking into account only the points scored in the 2<sup>nd</sup> half. In a 3way Money Line “2nd Half Winner, including Overtime,” the Player predicts the result of the 2<sup>nd</sup> half of a game (home team to win, away team to win, or tie), taking into account the points scored in the 2<sup>nd</sup> half, including overtime played.
  - (4) In a 3way Money Line “Quarter Winner” Wager, the Player predicts the result of each quarter of a game by selecting either for the home team to win, for the away team to win, or for the quarter to end in a tie, taking into account only the points scored in the quarter wagered on.
  - (5) In a 3way Money Line “4th Quarter Winner, Including Overtime” Wager, the Player predicts the result of the 4<sup>th</sup> quarter of a game by selecting either for the home team to win, for the away team to win, or for the quarter to end in a tie, taking into account only the points scored in the 4<sup>th</sup> quarter, including overtime played.
  - (6) In a “Half Time/Full Time” Wager, the Player predicts the result of the 1<sup>st</sup> half in combination with the final result of the 2<sup>nd</sup> half, not taking overtime into account. To make a “Half Time/Full Time” Wager, the Player selects either for the home team to win, for the away team to win, or for the 1<sup>st</sup> half to end in a tie and does the



same (home team to win, away team to win, or tie) for the 2<sup>nd</sup> half result.

- (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread.”
- (1) In a “Final Result with Point Spread” Wager, the Player predicts the final result of a game by selecting either for the home team to win, or for the away team to win, taking into account the Point Spread offered to one of the two teams (which can be a whole number or not). The Point Spread is taken into account when determining a winning prediction. If the Point Spread is a not a whole number, then a tie cannot be a resulting outcome (no tie). This Wager can be offered for one half (“1<sup>st</sup> Half with Point Spread”; “2<sup>nd</sup> Half with Point Spread”; and, “2<sup>nd</sup> Half with Point Spread, Including Overtime”), or quarter (“1<sup>st</sup> Quarter with Point Spread”; “2<sup>nd</sup> Quarter with Point Spread”; “3<sup>rd</sup> Quarter with Point Spread”; “4<sup>th</sup> Quarter with Point Spread”; and, “4<sup>th</sup> Quarter with Point Spread, Including Overtime”) or for any specified time period of the game in which case the prediction involves the points scored for this specific time period of the game.
- (2) In a “Spread Winning Margin” Wager, the Player predicts if the total number of points scored in a game is within a range of points publicized. This Wager can be offered for only one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half) or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game, or any combination of team and period in which case the prediction involves the points scored for this specific time period of the game.
- (c) Total Over/Under—In a “Total Over/Under” Wager, the Player predicts if the total number of points scored in a specific time period, or time of a game, is greater or less than a range publicized. This Wager can be offered for only one team (home or away) or both teams (home and away), or for one half of the game (1<sup>st</sup> half or 2<sup>nd</sup> half or 2<sup>nd</sup> half, including overtime), or any combination of team and time period in which case the prediction involves the points scored for this specific time period of the game.
- (d) Odd/Even—In an “Odd/Even” Wager, the Player predicts whether the total points scored in a regulation game will be an odd or even number. This Wager can also be offered as regulation time, including overtime. This Wager can be offered for only one half (1<sup>st</sup> half, 2<sup>nd</sup> half, or 2<sup>nd</sup> half, including overtime), or for any specified time period of the game, or any

combination of team and time period in which case the prediction involves the points scored for this specific time period of the game.

- (e) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
- (1) In a “Highest Scoring Half/Quarter” Wager, the Player predicts in which half (1st half or 2nd half) or quarter (1st quarter, 2nd quarter, 3rd quarter, or 4th quarter) the most points will be scored. This Wager can be offered for each team (home and away) separately.
  - (2) In a “1<sup>st</sup> Team to Score” Wager, the Player predicts which team (home or away) will score the first point(s) in a game. This Wager can be offered per half (1<sup>st</sup> half or 2<sup>nd</sup> half) or per quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter) in which case the prediction involves the points scored for this time period or the specified time period of the game.
  - (3) In a “1<sup>st</sup> Scoring Play” Wager, the Player predicts the manner in which the first point(s) of the game will be scored. This Wager can be offered for only one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half) or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game, or any combination of team and period in which case the prediction involves the points scored for this specific time period of the game.
  - (4) In a “1<sup>st</sup> Touchdown” Wager, the Player predicts if and which team (home or away) will succeed in scoring the first touchdown in a game. This Wager can be offered for only one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves the points scored for this specific time period of the game.
  - (5) In an “Overtime Yes/No” Wager, the Player predicts whether or not overtime will be played in a game.
  - (6) In a “Coin Toss” Wager, the Player predicts which team (home or away) will win the customary pre-game coin toss (heads or tails) that determines the team to start the game in possession of the ball.
  - (7) In a “Race To” Wager, the Player predicts which team (home or away) will be first to score a specified number of points (*e.g.*, “Race to 20 Points” – which team will be first to score twenty (20) points). This Wager can be offered for only one half (1<sup>st</sup> half or 2<sup>nd</sup>

half) or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves the points scored for this specific time period of the game.

- (8) In a “Player Specials” Wager, the Player predicts if selected players/athletes on the active roster of a team will achieve specific results in specified statistical categories in the form of: A greater or lesser result within a specified limit; or within a specified range; or which player/athlete will achieve the highest statistical result (*e.g.* pass for the most yards) amongst all or some specifically named players/athletes; or as a “Yes/No” option or as single “Yes” option. For all “Player Specials,” Wagers placed on players/athletes that were not on the active roster will be refunded. Wagers on players/athletes that were on the active roster but were not used (did not play in the game), are considered as non-winning Wagers.

## 2010 BASKETBALL

2010.1 Overtime is taken into account for Basketball Wagers, except for the following Wager types: Final Result in the form Home/Tie/Away or 1X2; Half Time/Full Time (Home/Tie/Away or 1X2); and, those Wagers that have to do with 2<sup>nd</sup> half or 4<sup>th</sup> quarter in which the score of specific time period of the game is taken into account. In the instance where the game is suspended before the completion of regulation time, but with five (5.00) or less minutes remaining on the clock (based on the individual rules per competition) and the game is not continued within the next twenty-four (24) hours, then all Wagers take into account the result at the time of game suspension.

2010.2 The Office may offer the following basketball Wager types:

- (a) Money Line—In a “Money Line” Wager the Player predicts the outright winner of the game (either for the home team or away team to win). There is no Point Spread involved in a Money Line Wager. In the event of a tie, the stake will be returned to the Player.
- (1) In a 3way “Money Line” Wager, the Player predicts either for the home team to win, for the away team to win, or for the game to end in a tie (not taking into account any overtime played).
- (2) In a 2way and 3way Money Line “1st Half Winner” Wagers, the Player predicts the result of the 1<sup>st</sup> half of a game. This can be offered as a 2way (home team to win or away team to win) in which case if there is a tie at the end of the 1st half the Wager is refunded, or as a 3way (home team to win, or away team to win, or for the 1<sup>st</sup> half to end in a tie).

- (3) In a 2way and 3way Money Line “2nd Half Winner” Wagers, the Player predicts the result of the 2nd half of a game. This can be offered as a 2way (home team to win or away team to win) in which case if there is a tie at the end of the 2nd half the Wager is refunded, or as a 3way (home team to win, or away team to win, or for the 2nd half to end in a tie).
- (4) In a 2way and 3way Money Line “Quarter Result” Wagers, the Player predicts the result of a specific quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter) taking into account only the points scored in these quarters. This can be offered as a 2way (home team to win or away team to win) in which case if there is a tie at the end of the quarter the Wager is refunded, or as a 3way (home team to win, or away team to win, or for the quarter to end in a tie).
- (5) In a “Half Time/Full Time” Wager, the Player predicts the result of the 1<sup>st</sup> half in combination with the final result without taking into account any overtime played. To make a “Half Time/Full Time” Wager, the Player selects either for the home team to win, for the away team to win, or for the 1<sup>st</sup> half to end in a tie and does the same (home team to win, away team to win, or tie) for the 2<sup>nd</sup> half result.
- (6) In a “Home No Wager” Wager, the Player predicts the game’s final result without factoring in a “home win.” The Wager will be refunded if the home team wins. In cases where the final result of a game is the one that is not factored into the Wager, then all Wagers will be refunded. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves only the points scored during the specified period of the game.
- (7) In a “Tie No Wager” Wager, the Player predicts the game’s final result without factoring in a tie. The Wager will be refunded is the game’s final result is a tie. In cases where the final result of a game is the one that is not factored into the Wager, then all Wagers will be refunded. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves only the points scored during the specified period of the game.
- (8) In an “Away No Wager” Wager, the Player predicts the game’s final result without factoring in an away win. The Wager will be refunded if the away team wins. In cases where the final result of a

game is the one that is not factored into the Wager, then all Wagers will be refunded. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves only the points scored during the specified period of the game.

- (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread.”
- (1) In a “Final Result with Point Spread, Including Overtime” Wager, the Player predicts the final result of a game, including overtime played, by selecting either for the home team to win or for the away team to win, taking into account the Point Spread offered to one of the two teams (which can be a whole number or not). This Point Spread is taken into account when determining a winning prediction. If the Point Spread is a non-whole number, then a tie cannot be a resulting outcome (no tie). This Wager can be offered for either half (1<sup>st</sup> half or 2<sup>nd</sup> half) or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game and may also include overtime in which case the prediction involves the points scored for this specific time period of the game.
- (2) In a “Spread Winning Margin, Including Overtime” Wager, the Player predicts the difference in points that the winning team will score within the choices of time ranges publicized. This Wager can be offered for either half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves the points scored for this specific time period of the game.
- (c) Total Over/Under—In a “Total Over/Under” Wager, the Player predicts if the total number of points scored in a game is greater or less than a range publicized. This Wager can be offered for only one team (home or away), or in either half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game, or any combination of team and time period (including and excluding overtime) in which case the prediction involves the points scored for this specific time period of the game.
- (d) In an “Odd/Even” Wager, the Player predicts whether the total points scored will be an odd or even number. This Wager can be offered for only one team (home or away), or either half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup>

quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves the points scored for this specific time period of the game.

- (e) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
- (1) In a “Highest Scoring Half/Quarter” Wager, the Player predicts in which half (1<sup>st</sup> half or 2<sup>nd</sup> half) or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter) the most points will be scored. This Wager can be offered for each team (home and away) separately.
  - (2) In a “1<sup>st</sup> Team to Score” Wager, the Player predicts which team will score the first point(s) in a game. This Wager can be offered for only one team (home or away), or either half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves the points scored for this specific time period of the game.
  - (3) In a “1<sup>st</sup> Scoring Play” Wager, the Player predicts whether the first point(s) scored in a game will be a “2 pointer,” a “3 pointer” or a “free throw.” This Wager can be offered for only one team (home or away), or either (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves the points scored for this specific time period of the game.
  - (4) In a “1st 3 Pointer” Wager, the Player predicts if a team, and which team, will succeed in scoring the first 3 pointer in a game. This Wager can be offered for only one team or either team (home or away), or either half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case the prediction involves the points scored for this specific time period of the game.
  - (5) In an “Overtime Yes/No” Wager, the Player predicts whether or not overtime will be played in a game.
  - (6) In a “Race To” Wager, the Player predicts which team (home or away) will be first to score a specified number of points (e.g., “Race to 20 Points” – which team will be first to score twenty (20) points). This Wager can be offered for only either half (1<sup>st</sup> half or 2<sup>nd</sup> half), or quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter), or for any specified time period of the game in which case

the prediction involves the points scored for this specific time period of the game.

- (7) In a “Player Specials” Wager, the Player predicts if selected players/athletes on the active roster of a team will produce specific results in specified statistical categories or will achieve specific accomplishments in the form of: a greater or lesser result within a specified value; or within a specified range; or which player/athletes will achieve the highest statistical result (*e.g.*, score the most points); or with a “Yes/No” option; or a single “Yes” option – amongst all or some specifically named players/athletes. For all Player Specials, Wagers placed on players/athletes that were not on the active roster will be refunded. Wagers on players/athletes that were on the active roster but were not used (did not play in the game), are considered non-winning Wagers.
- (f) In a “Game Combo” Wager, the Player predicts any double combination of Money Line and Total Over/Under. Any of the above combinations, or legs of the combination, can refer to a specific half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for a specified period of the game in which case the prediction will only involve these specific periods.

**2011****BASEBALL**

2011.1 For all Baseball Wagers, the complete game is taken into account as well any additional extra innings that may need to be played to determine a game winner. When a Baseball game is suspended and not continued from the moment of suspension and completed within the next calendar day, then the final result will be considered the result at the time of suspension when the game is concluded at the bottom of the ninth (9<sup>th</sup>) inning (8.5 innings played) with the home team ahead in runs or when the “Mercy Rule” is applied and the game is suspended before completion. (The “Mercy Rule” refers to one team having a very large and presumably insurmountable lead over the other team.)

2011.2 The Office may offer the following baseball Wager types:

- (a) In a “Money Line” Wager, the Player predicts the outright winner of the game (either for the home team or away team to win). There is no Point Spread involved in a Money Line Wager. In the event of a tie, the stake will be returned to the Player.
- (1) In a 3way “Money Line Excluding Extra Innings” Wager, the Player predicts the final outcome of a game after the game is concluded at the bottom of the ninth (9<sup>th</sup>)inning (8.5 innings played with the home team ahead in runs) by selecting either for the home team to win, for the away team to win, or for the game to end in a

- tie. This Wager type does not take into account any extra innings played.
- (2) In an “Innings Betting” Wager, the Player predicts the result of an inning (1<sup>st</sup> inning, 2<sup>nd</sup> inning, 3<sup>rd</sup> inning, 4<sup>th</sup> inning, etc.) of a game (Home, Tie, Away).
  - (3) In a “Half Time/Full Time” Wager, the Player predicts the result of the 1<sup>st</sup> half of a game (defined as the first 4.5 innings) in combination with the final result of the game by correctly selecting home team to win, away team to win or a tie for each specific time period of the Wager.
- (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread”;
- (1) In a “Final Result with Run Spread” Wager, the Player predicts the game’s final outcome (Home, Tie, Away), including any extra innings played, taking into account a Handicap given to one of the two teams. The Handicap can be a whole number or not. If it is not a whole number, then a tie cannot be a resulting outcome. This Wager type can be offered for one inning of a game or for a specified time period of the game in which case the prediction will only involve these specific periods.
  - (2) In a “Spread Winning Margin” Wager, the Player predicts the difference in runs of the winning team in a game. This Wager can be offered for each team (home and away) separately or per inning (1<sup>st</sup> inning, 2<sup>nd</sup> inning, 3<sup>rd</sup> inning, 4<sup>th</sup> inning, etc.) or for a specified time period of the game in which case the prediction will only involve the runs scored in these specific time periods.
- (c) Total Over/Under Runs/Hits—In a “Total Over/Under Runs/Hits” Wager, the Player predicts if the total number of runs or hits scored in a game will be greater or less than a limit publicized. This Wager can be offered in the form of a “Yes/No” proposition, or for each team (home and away) separately, or per inning (1<sup>st</sup> inning, 2<sup>nd</sup> inning, 3<sup>rd</sup> inning, 4<sup>th</sup> inning, etc.), or for a specified time period of the game, or any combination of team and time period in which case the prediction will only involve the runs scored in these specific time periods.
- (d) Odd/Even Runs/Hits—In an “Odd/Even Runs/Hits” Wager, the Player predicts whether the total runs or hits scored in a game will be an odd or even number. This Wager can be offered for each team (home and away)



separately, or per inning (1<sup>st</sup> inning, 2<sup>nd</sup> inning, 3<sup>rd</sup> inning, 4<sup>th</sup> inning, etc.), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the number runs that were scored during the specified time period of the game. In all circumstances, zero (0) is considered to be an even number.

- (e) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
- (1) In a “Total Runs/Hits” Wager, the Player predicts the exact number of runs or hits scored in a game or the range they will be in. This Wager can be offered for each team (home and away) separately, or per inning (1<sup>st</sup> inning, 2<sup>nd</sup> inning, 3<sup>rd</sup> inning, 4<sup>th</sup> inning, etc.), or for a specified period of the game, or any combination of team and time period in which case the prediction will only involve the runs scored in these specific time periods.
  - (2) In a “Most Hits 1<sup>st</sup>/Next Innings” Wager, the Player predicts which team (home or away) will be credited with the most hits in the 1<sup>st</sup> inning and every subsequent inning.
  - (3) In a “Race To” Wager, the Player predicts which team (home or away) will be the first to score a specified number of runs (*e.g.*, “Race to 3 Runs” –which team will be first score three runs). This Wager can be offered for a specified period of the game or any combination of team and period in which case the prediction will only involve the runs scored in these specific periods.
  - (4) In a “Lead After” Wager, the Player predicts which team (home or away) will be in the lead after a set number of innings (*e.g.*, “Lead After 5 Innings” – which team will be in the lead after five innings).
  - (5) In an “Extra Innings” Wager, the Player predicts whether extra innings will be needed to determine the winner of a game.

**2012****ICE HOCKEY**

2012.1 For ice hockey, only regulation time (1<sup>st</sup> three (3) periods) play is taken into account for Wagers. Overtime periods played, or any other method used for determining the winner of the game, are not taken into account for ice hockey Wagers, unless stated or in the Wager type’s description.

2012.2 The Office offer the following ice hockey Wager types:

- (a) In a “Money Line, Including Overtime” Wager, the Player predicts the outright winner of the game, including any overtime and shootout periods.

In a “Money Line” Wager, the Player selects either for the home team to win or away for the away team to win.

- (1) In a 3way “Money Line” Wager, the Player predicts the winner of the game at the end of regulation play by correctly selecting home team to win, away team to win, or at the end of the 1st three (3) periods to end in a tie. A 3way “Money Line” does not take into account any overtime played.
  - (2) In a 3way “Period” Wager, the Player predicts the result of one period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) or for any specified time period of the game in which case the prediction involves the goals scored for this specific time period of the game.
  - (3) In a “Period Tie No Wager” Wager, the Player predicts the final result of the period without factoring in a result. In cases where the final result of the period is the one that is not factored into the Wager, then all Wagers will be refunded.
- (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread.” Puck Lines are a Point Spread Wagering variant of ice hockey Wagering.
- (1) In a 3way “Puck Line/Goal Spread” Wager, the Player predicts the final result of a game, taking into account the Spread offered to one of the two teams. The Point/Goal Spread can be a whole number or not. If it is not a whole number, then a tie cannot be a resulting outcome. This Wager type can be offered for one period of a game (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) or for a specified time period of the game in which case the prediction will only involve this specific period of the game. This Wager can also be offered to include any overtime played in which case a tie result is not possible.
  - (2) In a “Spread Winning Margin” wager, the Player predicts the margin of victory of one team (home or away) by the exact number of goals. This Wager can be offered for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) or for a specified time period of the game in which case the prediction will only involve the goals scored in these specific time periods.
- (c) In a “Total Over/Under” Wager, the Player predicts if the total number of goals scored in a game will be greater or less than a limit of goals publicized by the Office. This Wager can be offered for an individual team

(home and away) separately, or for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) of a game, or for a specified time period of the game, or any combination of team and period in which case the prediction will only involve the goals scored in these specific periods. This Wager can also be offered to include any overtime played.

- (d) In an “Odd/Even “Wager, the Player predicts whether the total goals scored in a game will be an odd or even number. This Wager can be offered for an individual team (home and away) separately or for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) of a game, or for a specified time period of the game, or any combination of team and time period in which case the prediction will only involve the goals scored in these specific time periods. In all circumstances, zero (0) is considered to be an even number.
- (e) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
- (1) In a “Total Goals” Wager, the Player predicts the exact number of goals that will be scored in a game. This Wager can be offered for an individual team (home and away) separately, or for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) of a game, or for a specified time period of the game, or any combination of team and time period in which case the prediction will only involve the goals scored in these specific time periods.
  - (2) In a “Highest Scoring Period” Wager, the Player predicts the period in which most goals will be scored in a game. This Wager can be offered for each team (home and away) separately.
  - (3) In a “Correct Score” Wager, the Player predicts the correct number of goals scored in a game. This Wager can be offered for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) of a game or for a specified time period of the game in which case the prediction will only involve the goals scored in these specific time periods.
  - (4) In a “Both Teams to Score” Wager, the Player predicts if both teams (home and away) will score at least one goal during a game (this will be called “Goal”) or if any one of the two teams (home or away) or both teams will not score during a game (this will be called “No Goal”). This Wager can be offered for each period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) of a game separately or for any specified time period of the game in which case the prediction involves only the number goals that were scored during the specified time period of the game.

- (5) In a “Team to Score 1st/Next/Last Goal” Wager, the Player predicts which team (home or away) will score the first goal, every subsequent (Next) goal, or the final goal (Last Goal) of a game. This Wager can be offered for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) or for any specified time period of the game in which case the prediction involves only the number goals that were scored during the specified time period of the game.
- (6) In a “Race To” Wager, the Player predicts which team (home or away) will be the first to score a specified number of goals (*e.g.*, “Race to 3 Goals” – which team will first score three goals) in a game. This Wager can be offered for a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) of a game or for a specified time period of the game in which case the prediction will only involve the goals scored in these specific time periods.
- (7) In a “Winner of the Rest of the Game” Wager, the Player predicts the result of the game from the moment of placing the Wager through the end of the game.
- (f) In a “Game Combo” Wager, the Player predicts any combination of Money Line or Total Over/Under.
- (1) In a 2way “Game Combo Total Over/Under” Wager, the Player predicts any double combination of Money Line and Total Over/Under. Any of the above combinations or legs of the combination can refer to a specific period (1<sup>st</sup> period, 2<sup>nd</sup> period, or 3<sup>rd</sup> period) or for a specified time period of the game in which case the prediction will only involve these specific time periods.
- (2) In a 3way “Game Combo Total Over/Under” Wager, the Player predicts any double combination of home team win, tie, or away team win and Total Over/Under. The above combinations are “Under and Home Team Win,” “Under and Away Team Win,” “Under and Tie Result,” “Over and Home Team Win,” “Over and Away Team Win,” and “Over and Tie Result.”

**2013****SOCCER**

- 2013.1 For soccer Wagers, the result of regulation time is taken into account plus time added to the game in respective of possible delays. Extra time and penalties are not taken into account for soccer Wagers, unless stated in the program or in the Wager type’s description.
- 2013.2 The Office may offer the following soccer Wagers:
- (a) Money Line—A “Money Line” or straight up Wager is a bet on the outright winner of the game or event without any Point Spread odds.

- (1) In a 3way “Money Line” Wager, the Player predicts the final outcome of a game by correctly selecting home team to win, away team to win, or a tie at the end of the game (not taking into account any overtime played). An exception to the general provisions rules is when a game is suspended after the start of the 2<sup>nd</sup> half and the remaining game is not played within the next twenty-four (24) hours, then the result at the time of suspension is considered as the final result.
- (2) In a 3way “1<sup>st</sup> Half Winner” and 3way “2<sup>nd</sup> Half Winner” Wager(s), the Player predicts the result of the 1<sup>st</sup> half or 2<sup>nd</sup> half of a game by correctly selecting home team to win, away team to win or a tie at the end of the specified half.
- (3) In a “Winner Interval” Wager, the Player predicts the result of a specified period (home/tie/away) of a game (e.g., 1-15 minute(s) of the game).
- (4) In a “Winner of the Rest of the Match” Wager, the Player predicts the result of the game (home/tie/away) from the moment a Wager is placed until the end the game. This Wager can also be offered per half (1<sup>st</sup> half or 2<sup>nd</sup> half), or any other specified time period where the prediction will only involve these specific time periods.
- (5) In a “Half Time/Full Time” Wager, the Player predicts the combination of the result of the 1st half with the final result of a game.
- (6) In a “Home No Wager” Wager, the Player predicts the game’s final result without factoring in a “home win.” The Wager will be refunded if the home team wins. In cases where the final result of a game is the one that is not factored into the Wager, then all Wagers will be refunded. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game.
- (7) In a “Tie No Wager” Wager, the Player predicts the game’s final result without factoring in a tie. The Wager will be refunded is the game’s final result is a tie. In cases where the final result of a game is the one that is not factored into the Wager, then all Wagers will be refunded. This Wager can be offered for each half (1<sup>st</sup> or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game.

- (8) In an “Away No Wager” Wager, the Player predicts the game’s final result without factoring in an away win. The Wager will be refunded if the away team wins. In cases where the final result of a game is the one that is not factored into the Wager, then all Wagers will be refunded. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game.
- (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread.”
- (1) In a “Final Result with Points Spread/Handicap” Wager, the Player predicts the final outcome of a game, taking into account a Point Spread/Handicap given to one of the two teams, correctly selecting home team to win, away team to win, or a tie at the end of the game (not taking into account any overtime played). The Point Spread/Handicap can be a whole number or not. This Point Spread/Handicap is taken into account when determining a winning prediction. If the Point Spread/Handicap is not a whole number, then a tie cannot be a resulting outcome. This Wager type can be offered for one half of a game (1<sup>st</sup> half or 2<sup>nd</sup> half) or for a specified time period of the match in which case the prediction will only involve this specific time period.
- (2) “Asian Handicap” are types of Wagers used in soccer in which teams are Handicapped, so that the stronger team must win by more goals than the weaker team. Asian Handicap involves the Player predicting the result of a match after the Handicap or spread has been applied to the teams.
- (A) A head-start of one half or more goals will be given to one of the teams which will be added to the actual number of goals scored.
- (B) Whole goal Handicap is a Handicap of +/- one or more goals will be given to each of the teams which will be added to the actual number of goals scored. Wagers placed will be void if the match ends in a tie.
- (C) Half goal Handicap is a Handicap of +/- 0.5 (half of one) or more goals will be given to each of the teams which will be added to the actual number of goals scored. Wagers placed cannot end in a tie.

- (D) Split Handicap is a Handicap of +/- 0.25 (quarter of one) or more goals will be given to each of the teams. The Wager will be divided equally between two Wagers, with one half of the Wager placed on the whole Handicap +/- 0.0 (scratch) or more and the other half of the Wager placed on the half Handicap 0.5 (half of one) or more, which will be added or subtracted to the actual number of goals scored by each team. The split Handicap is always the half-way point between the whole Handicap and the half Handicap.
- (E) The split is shown as follows (Handicaps can go as high as the operator desires under similar logic):

Handicap	Whole Goal Handicap	Half Goal Handicap
+/- 0.25	+/- 0.00	+/- 0.50
+/- 0.75	+/- 1.00	+/- 0.50
+/- 1.25	+/- 1.00	+/- 1.50

**EXAMPLE: Team A (+ 0.25) vs. Team B (- 0.25)**

If a Wager is placed on Team B and the game result is Team A 1-1 Team B:

50% of the Wager will be placed on the whole goal Handicap of 0.00. The Handicap result will be Team A 1-1 Team B. This half of the Wager is void.

50% of the Wager will be placed on the whole goal Handicap of - 0.50. The Handicap result will be Team A 1-½ Team B. This half of the Wager has lost.

If a Wager is placed on Team A and the game result is Team A 1-1 Team B:

50% of the Wager will be placed on the whole goal Handicap of 0.00. The Handicap result will be Team A 1-1 Team B. This half of the Wager is void.

50% of the Wager will be placed on the whole goal Handicap of + 0.50. The Handicap result will be Team A 1½-1 Team B. This half of the Wager has won.

- (c) In a “Total Over/Under Goals” Wager, the Player predicts if the total number of goals scored in a game will be greater or less than a limit of goals publicized. This Wager can be offered for an individual team (home and away) separately or for a specific half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for a specified time period of the game, or any combination of team and interval in which case the prediction will only involve these specific time periods.
- (1) In an “Exact Number of Goals” Wager, the Player predicts the exact number of goals that will be scored in a game. This Wager can be offered for each team (home and away) separately, or for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game, or any combination of team and time period. In the latter case, the prediction involves only the number of goals that were scored during the specified time period of the game.
- (2) In a “Total Goals Aggregated” Wager, the Player predicts the number of goals that will be scored in a game where their selected number of goals will be within a specified range. This Wager can be offered for each team (home and away) separately, or for each half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period. In the latter case, the prediction involves only the number of goals that were scored during the specified time period of the game.
- (d) In an “Odd/Even” Wager, the Player predicts whether the total goals scored in a game will be an odd or even number. This Wager can be offered for each team (home and away) separately or for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game, or any combination of team and time period. In the latter case, the prediction involves only the number goals that were scored during the specified period of the game. In all circumstances, zero (0) is considered to be an even number.
- (e) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
- (1) In “Scorer” Proposition Wagers the following rules apply:
- (A) If a Wager is placed on which player/athlete will score the 1<sup>st</sup> goal of a game and the selected player/athlete did not take part in the game or entered the game after the first goal was scored, the Wager is refunded.
- (B) If a Wager is placed on which player/athlete will score the last goal of the game and the selected player/athlete did not



take part in the game or had been substituted before the last goal was scored, the Wager is refunded.

- (C) If a Wager is placed on which player/athlete will score any goal in the game and the player/athlete did not take part in the game, the Wager is refunded.
  - (D) A Wagering line can include only one prediction for the Wager type “Any Goal Scorer.”
  - (E) If a goal scored is an “Own Goal” (a player/athlete scores on their own side of the playing area rather than the one defended by the opposing team), then this is not taken into account unless there are odds offered for “Own Goal.”
  - (F) The following “Scorer” Proposition Wager Types may be offered:
    - (i) In a “1<sup>st</sup> Goal Scorer” Wager, the Player predicts which player/athlete will score the first goal of the game.
    - (ii) In a “Last Goal Scorer” Wager, the Player predicts which player/athlete will score the last/final goal of the game.
    - (iii) In an “Anytime Goal Scorer” Wager, the Player predicts which player/athlete will score at least one goal in the game.
- (2) The following “Corner” Proposition Wagers may be offered:
- (A) In a “Total Over/Under Corners” Wager, the Player predicts whether the total amount of corners awarded during a game is greater or less than a limit publicized or predicts whether there will be a corner awarded in the form of “Yes/No.” This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the corners awarded for this specific time period of the game.
  - (B) In an “Odd/Even Corners” Wager, the Player predicts whether the total number of corners awarded is an odd or even number. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of

team and time period in which case the prediction involves only the corners awarded for this specific time period of the game. In all circumstances, zero (0) is considered to be an even number.

- (C) In a “Sum of Corners” Wager, the Player predicts the total numbers of corners that will be awarded where the choice will be given as an exact number of corners or in a specified range of corners. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the corners awarded for this specific time period of the game.
- (D) In a “1st/Next/Last Corner” Wager, the Player predicts which team (home or away) will be awarded the 1<sup>st</sup> corner, every subsequent (Next) corner or the final (Last Corner) corner of a game. This Wager can be offered for one half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game in which case the prediction involves only the corners awarded for this specific time period of the game.
- (E) In a “Most Corners” Wager, the Player predicts which team will be awarded the most corners in a game. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game, or any combination of team and period in which case the prediction involves only the number of corners awarded for this specific time period of the game. This Wager can be offered with a Handicap of corners awarded to one team. The Handicap can be a whole number or not which is taken into account when considering the winning outcome. If the Handicap is not a whole number, then a tie cannot be a resulting outcome.
- (F) In a “Corner Handicap” Wager, the Player predicts which team (home or away) will be awarded the most corners in a game, taking into account a Handicap for one of the two teams. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) separately, or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the number of corners awarded for this specific time period of the game. This Wager can be offered with a Handicap of corners awarded to one team. The Handicap can be a whole number or not which is taken into account when considering the winning

outcome. If the Handicap is not a whole number, then a tie cannot be a resulting outcome.

- (3) The following “Bookings” Proposition Wager rules apply:
- (A) There are certain cards that are not taken into account for Wager purposes, including: Cards shown following the end of the game, or during the interval between 1<sup>st</sup> and 2<sup>nd</sup> half, or to members of the team that are not players/athletes (*e.g.*, managers, coaches, etc.), or to players/athletes that did not take part in the game, or to players/athletes that had already been substituted when the card was shown to them.
  - (B) In the instance where a player is shown a second yellow card in a game and then shown a red one, both yellow cards and the one red card are taken into account.
  - (C) In the instance where the referee shows two or more yellow or red cards during the same incident of the game, the order with which the referee showed the cards to the player(s) is taken into account. If this cannot be verified by any reliable means, then the cards are considered to have been shown simultaneously.
  - (D) The Office may offer the following “Bookings” Proposition Wager Types.
  - (E) The following Wager types for cards may be offered for both color (yellow or red) of cards (Bookings).
    - (i) In a “Total Over/Under Bookings” Wager, the Player predicts if the total cards shown in a game are greater or less than a limit publicized or predicts whether there will be a card shown in the form of “Yes/No.” This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the number of cards shown for this specific time period of the game.
    - (ii) In an “Odd/Even Bookings” Wager, the Player predicts if the total number of cards shown in a game is an odd or an even number. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time

period in which case the prediction involves only the number of cards shown for this specific time period of the game. In all circumstances, zero (0) is considered to be an even number.

- (iii) In a “Sum of Bookings” Wager, the Player predicts the total number of cards shown in a game, where the selections are made with an exact number of cards or within a range of cards. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the number of cards shown for this specific time period of the game.
  - (iv) In a “1<sup>st</sup>/Next/Last Booking” Wager, the Player predicts which team will be the 1<sup>st</sup> to be shown a card, every subsequent (Next) team to be shown a card, or the final (Last) team to be shown a card in a game. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the number of cards shown for this specific time period of the game.
  - (v) In a “Most Bookings” Wager, the Player predicts which team will be shown the most cards in a game. This Wager can be offered for one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves only the number of cards shown for this specific time period of the game.
- (4) The Office may offer the following other Proposition Wagers:
- (A) In a “Half with Most Goals” Wager, the Player predicts which half of a game (1<sup>st</sup> half or 2<sup>nd</sup> half) that the most goals will be scored in.
  - (B) In a “Correct Score” Wager, the Player predicts the number of goals scored in a game. This Wager can be offered separately for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or interval which means that only the score of the half (or interval) is taken into account. This Wager can also be offered with

selections of groups of scores (e.g., 1-0, 2-0, 2-1 combined).

- (C) In a “Both Teams to Score” Wager, the Player predicts if both teams will score at least one goal during a game (called “Goal”) or if any one of the two teams (home or away), or both teams, will not score during a game (called “No Goal”). This Wager can be offered for each half separately (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game. This Wager can also be offered as a combination of the two halves, with the Player having to predict whether both teams will score during the 1<sup>st</sup> half combined with whether both teams will score in the 2<sup>nd</sup> half.
- (D) In a “Team to Score 1<sup>st</sup>/Next/Last Goal” Wager, the Player predicts which team (home or away) will score the first, every subsequent (Next) goal or the final (Last Goal) goal of a game. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game.
- (E) In a “Score Both Halves Home/Away” Wager, the Player predicts whether one of the two teams (home or away) will score at least one goal in both halves (1<sup>st</sup> half and 2<sup>nd</sup> half) of the game.
- (F) In a “Win Both Halves Home/Away” Wager, the Player predicts whether the team selected (home or away) will score more goals than its opponent in both halves (1<sup>st</sup> half and 2<sup>nd</sup> half) separately.
- (G) In a “Winner 1<sup>st</sup> Half or Full Time” Wager, the Player predicts whether the team selected (home or away) will score more goals than their opponent in either the 1<sup>st</sup> half or the match.
- (H) In a “Winner 1<sup>st</sup> Half or 2<sup>nd</sup> Half” Wager, the Player predicts whether the team selected (home or away) will score more goals than its opponent during the 1<sup>st</sup> half of the game or in the 2<sup>nd</sup> half of the game.

- (I) In a “Home Win to Zero, Away Win to Zero” Wager, the Player predicts whether the selected team (home or away) will win the game with a clean sheet (without conceding any goals to its opponent).
- (J) In a “Margin of Victory” Wager, the Player predicts the margin of victory of one team (home or away) by the exact number or ranges of goals. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game.
- (K) In a “Race To” Wager, the Player predicts which team (home or away) will be the first to score a specified number of goals (*e.g.*, “Race to 2 Goals “– which team will be the first to score two (2) goals) in a game. This Wager can be offered for each half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game. In the latter case, the prediction involves only the number goals that were scored during the specified time period of the game.
- (L) In a “Time of 1<sup>st</sup> Next/Last Goal” Wager, the Player predicts the time, in minutes, when the 1<sup>st</sup> goal, every subsequent (Next) goal or final (Last Goal) goal of the game will be scored. This can be a range in minutes (*e.g.*, 1-10’, 11-20’, etc.) or take the form of “before or after” or “Total Over/Under” a specific minute (*e.g.*, 1-30’, after the 31<sup>st</sup> minute, etc.). For Wager settling purposes, the time of the goal is considered the time that it was scored and not the time it was confirmed as a valid goal. For example, if goal is scored at 28:36 and after an original referee call that disallows it, a VAR (Virtual Assistant Referee) is used and the goal is then deemed valid at 30:45, the goal time will count at 28:36.
- (f) In a “Game Combo” Wager, the Player predicts any double combination of Final Result or double chance with Total Over/Under of a specified limit, or Both Teams to Score, or Sum of Goals, or any double combination of Total Over/Under of a specified limit and Both Teams to Score, or any double combination of Final Result and 1<sup>st</sup>/Next/Last Goal team to score by choosing the combination of the respective selections or any combination of Half-Time/Full-Time result and Total Over/Under of a specified limit. Any of the above combinations, or legs of the combination, can refer to a specific half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for a specified time period of the game, in which case the prediction will only involve these specific time periods.

**2014 TENNIS**

2014.1 In the instance where a tennis match is cancelled, or postponed, or suspended and is not completed within the competition's time frame it was scheduled for, then all Wagers that involve this match are refunded. An exception to this rule is for Wagers whose results have already been decided and cannot change even if the match was played on. In the event where less sets are played than were originally scheduled, then all Wagers that include this match will be refunded.

2014.2 The Office may offer the following tennis Wager types:

- (a) Money Line—A “Money Line” or straight up wager is a bet on the outright winner of the game or event without any point spread odds.
- (1) In a “Match Winner” Wager, the Player predicts the final result of a tennis match by correctly selecting tennis player (or team) A to win or tennis player (or team) B to win.
  - (2) In a “Set Winner” Wager, the Player predicts the final result of a specific set of a tennis match (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.) by correctly selecting tennis player (or team) A to win or tennis player (or team) B to win.
  - (3) In a “To Win a Set” Wager, the Player predicts whether a tennis player (player A or player B) will win at least one set in a match.
  - (4) In a “1<sup>st</sup>/2<sup>nd</sup> Service Game” Wager, the Player predicts which tennis player will serve in the first or the second game in combination with the winner of this game (*e.g.*, in the 1<sup>st</sup> Game tennis player A to Serve and tennis player B to Win the game).
  - (5) In a “1<sup>st</sup> Next Game” Wager, the Player predicts which tennis player (player A or player B) will win the first (1<sup>st</sup>) game or every subsequent (Next) game in a tennis match. This Wager can be offered for a specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), or for a specified period of the match, in which case the prediction involves only the games in that segment of the match.
- (b) Point Spread/Handicap—A “Point Spread” Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread.”
- (1) In a “Winner Most Games with a Spread” Wager, the Player predicts which tennis player (player A or player B) will win the most games in a match, taking into account a spread in games given to one of the two (2) players/athletes. The spread can be a

whole number or not. This spread is taken into account when determining a winning prediction. If the spread is not a whole number, then a tie cannot be a resulting outcome. This Wager can be offered per specified set (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, etc.), in which case the prediction involves only the games that will be played in that segment of the match.

- (2) In a “Set Spread” Wager, the Player predicts which tennis player (player A or player B) will win the most sets in a match taking into account a spread in sets given to one of the two (2) Players. The spread can be a whole number or not. This spread is taken into account when determining a winning prediction. If the spread is not a whole number, then a tie cannot be a resulting outcome.
- (c) Total Over/Under Games—In a “Total Over/Under Games” Wager, the Player predicts if the total number of games that will be played in a match is greater or less than a specific range as publicized by the Office. This Wager can be offered for a specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), in which case the prediction involves only the games that will be played in that segment of the match.
- (1) In a “Total Over/Under Per Player” wager, the Player predicts if the total number of games that a tennis player will win in a match is greater or less than a specific range as publicized by the Office. This Wager can be offered for a specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), in which case the prediction involves only the games that the tennis player wins in that segment of the match.
  - (2) In a “Total Games” Wager, the Player predicts the total number of games that will be played where the selection made will be within a specific range of games as publicized by the Office. This Wager can be offered for a specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), in which case the prediction involves only the games that will be played in that segment of the match.
  - (3) In a “Total Tie Breaks” Wager, the Player predicts the total number of tie breaks that will be played in a match, either predicting from a specified range or in the form of a “Yes/No” proposition. This Wager can be offered for a specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), in which case the prediction involves only the games that will be played in that segment of the match. In the event where a match or a set is suspended with a score of 6-6 (when the set will be decided by a tie breaker), for Wager settlement purposes a tie break is assumed to have been played. In the event where a match is suspended during the last set where based on tournament rules, a tie breaker is not played (*e.g.*, the last



set of a men's single finals), for Wager settlement purposes a tie break is assumed not to have been played.

- (d) Odd/Even—In an “Odd/Even” Wager, the Player predicts whether the total number of games that will be played is an odd or even number. This Wager can be offered for each tennis player (player A or player B) separately, or for a specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), or any combination of player and set in which case the prediction involves only the games that will be played in that segment of the match.
- (e) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
  - (1) In a “Correct Score” Wager, the Player predicts the correct score in sets of a tennis match.
  - (2) In a “Set Correct Score” Wager, the Player predicts the exact score in games of a specific set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.) of a tennis match. This Wager may be offered for parts of a set (*e.g.*, first 4 games, first 6 games, etc.), in which case only the score after those games will count. This Wager could also be offered as a “Yes/No” or single “Yes” option for one or more of its selections (*e.g.*, “Any Set to End 6-0” or “player A to Win 6-0 or 6-1 or 6-2,” etc.).
  - (3) In a “Race To” Wager, the Player predicts which tennis player (player A or player B) will be the first to win a predefined number of games (*e.g.*, “Race to 3 Games”— which tennis player will first win 3 games). This Wager can be offered per specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), in which case the prediction involves only the games that will be played in that segment of the match.
  - (4) In a “1<sup>st</sup>/Next Game Correct Score” Wager, the Player predicts the correct score of the first (1st) game or every subsequent (Next) game in a match. This Wager type may be offered with a “Yes/No” option, or “Per Player” option, or single “Yes” option for specific Correct Scores (*e.g.*, “Which Player Will Win Game 4 of 1st Set After Deuce” or “Will Any Player Win Game 4 of 1st Set After Deuce”).
  - (5) In a “Point Winner” Wager, the Player predicts which tennis player (player A or player B) will win a specific number point or the next point in a match. This Wager can be offered per game in which case the prediction involves only the points that will be won in that specific game.

**2015 BOXING/COMBAT SPORTS (MMA)**

- 2015.1 The result of a boxing match (or any other combat sport) is determined in accordance with the rules established by the competition's Governing Body, unless otherwise stated.
- 2015.2 All Wagers will be refunded under the following conditions:
- (a) If the fight is cancelled;
  - (b) If the fight is postponed and does not occur (in the Sports Event's local time) within two (2) days from the date initially stated in program;
  - (c) If the fight is suspended; or
  - (d) If a fight ends in a draw and no odds have been offered for this option.
- 2015.3 The Office may offer the following boxing/combat (MMA) sports Wager types:
- (a) Money Line—A "Money Line" or straight up wager is a bet on the outright winner of the game or event without any point spread odds.
    - (1) In a 2way "Winner of a Fight" Wager, the Player predicts the winner of a fight (fighter A or fighter B).
    - (2) In a 3way "Winner of a Fight" Wager, the Player predicts the winner of a fight, including a draw result at the end of the match.
    - (3) In "Round by Round Wagering in a Fight," the Player predicts in which round the fight will end, either in exact number, or within a range, or as a "Total Over/Under" option. This Wager can also be offered as a combination of Fighter and Round Wagering (e.g., "Fighter A to Win Within Rounds 4-6"). The bell will signal the end of a round and the bell being sounded again will signal the start of the next round. In the event where, for whatever reason, a points decision is awarded before the full number of rounds is completed, Wager settlements will be determined on the round in which the fight was stopped. Wagers placed on the prediction "To Win on Points" will be considered as winning if the full number of rounds is completed. In the event where, for whatever reason, it is decided that the fight is completed in a total number of rounds differently than initially offered, then all Wagers received for this type of Wager will be given odds of one (1.00). If a fighter withdraws during the period between rounds, the fight will be considered ended in the previous round.

- (b) Total Over/Under—In a “Total Over/Under” Wager, the Player predicts if the total number of rounds in a fight will be greater or less than a limit of rounds as publicized by the Office.
- (c) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
  - (1) In a “Method of Result in a Fight” Wager, the Player predicts the method by which the result in a match will be decided. The possible outcomes for this type of Wager can be such as, but not limited to, Knock Out (KO), Technical Knock Out (TKO), Judges’ Decision, etc. This Wager can also be offered as a combination of fighter and method of result (*e.g.*, “Fighter A to Win by Judges’ Decision”).
  - (2) In a “Will the Fight go the Distance -Yes/No” Wager, the Player predicts whether the fight will go the full number of rounds in a “Yes/No” proposition.
  - (3) In a “Knockouts/Knockdowns” Wager, the Player predicts whether knockouts or knockdowns will be achieved, either for the whole fight or per fighter. This could be predicted as a “Yes/No” option, or as a range, or as a “Total Over/Under” option. Only knockdowns that lead to a “count” from the referee, or if the referee initiates a “count,” are taken into account for this Wager. Combination Wagers can also be offered predicting whether knockouts will be achieved and who will win the fight.

**2016 GOLF**

2016.1 For Golf Wagers, the following provisions are valid:

- (a) A golfer awarded the winner's trophy will be deemed an official result.
- (b) A golfer is deemed to have played, once they have teed off.
- (c) In the event of a golfer withdrawing after having teed off, Wagers will not be refunded.
- (d) In tournaments where the number of rounds scheduled to be played are reduced for any reason, winners of specific Wager types will be settled on the official result published by the competition’s Governing Body (regardless of the number of rounds played), unless there is no further play in the tournament after a Wager has been placed in which case the Wager will be refunded.

- (e) In Golf team events where no price is offered for the tie, in the event of a tie, Wagers will be refunded.

2016.2 The Office may offer the following golf Wager types:

- (a) Money Line—A “Money Line” or straight up wager is a bet on the outright winner of the game or event without any Point Spread odds.
  - (1) In “18-Hole Wagers,” the Player predicts the golfer with the lowest score after 18 holes are played.
    - (A) In the event of a 2 or 3 Ball matchup being re-arranged, Wagers will be settled on the original pairings/groups. In the event there are any non-participant(s), then the 2 or 3 Ball Wager will be given odds of one (1.00).
    - (B) For “2 Ball” Wagers, a price will be offered for the tie.
    - (C) For “3 Ball” Wagers, the Dead Heat rules will apply. A Dead Heat is calculated by dividing the stake proportionally between the number of winners in the event.
    - (D) If a golfer is disqualified, their opponent will be deemed the winner, unless play in the next round has started in which case Wagers will be decided on the original scores.
    - (E) Where both/all golfers are disqualified, Wagers will be given odds of one (1.00), unless play in the next round has started in which case Wagers will be settled on the original scores.
  - (2) In “Next Hole Wagers,” the Player predicts the score that an individual golfer will achieve on a specific hole.
- (b) Head to Head—“Head to Head” Wagers are available for games or events in which a direct comparison can be made between two teams or two individual participants in a game or event.
  - (1) In “2/3 Ball Wagers”, the Player predicts the winner of the 2-or 3-Ball Head to Head matchup.
- (c) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
  - (1) In “Leader Through X Holes” Wagers, the Player is asked to predict the leader after any other specified number of holes.

**2017 MOTOR SPORTS**

- 2017.1 In Motor Sports or racing events, for the settlement of Wagers pertaining to “Pole Position,” the valid positioning is the one publicized by the competition’s Governing Body. For the settlement of Wagers pertaining to winner of a racing event, the valid winning positions are the ones recognized during the prize award ceremony. If, for whatever reason, the ceremony is not held, the winning positions are those initially publicized by the competition’s Governing Body.
- 2017.2 Any changes after the initially publicized announcement of results are not taken into account. All Wagers on drivers in a pole position or in a Grand Prix race receive refunds if the driver is not listed in the official results as publicized by the competition’s Governing Body.
- 2017.3 For “Head to Head” and “Group Wagering,” all Wagers receive refunds, if even one driver offered is not included in the officially publicized results of the competition’s Governing Body. If a race or any part of it is called off, cancelled, postponed, or suspended, and not continued within the next calendar day, or if official results are not publicized for whatever reason within two (2) calendar days, then all Wagers will be refunded. Excluded are Wagers that have already been decided – when the result will not change even with the continuation of the event.
- 2017.4 The Office may offer the following motor sports Wager types:
- (a) Money Line—A “Money Line” or straight up wager is a bet on the outright winner of the game or event without any point spread odd.
    - (1) In a “Win Race” Wager, the Player predicts which driver will win the race.
    - (2) In a “Place Race” Wager, the Player predicts if a driver will finish in a certain position or higher in a race independent of order. This Wager can be offered for whichever range of places (*e.g.*, place 1-5— if a driver will finish from the first to the fifth (5<sup>th</sup>) position in a race).
  - (b) Total Over/Under—Total Over/Under Wagers are placed on a line set by the Office that is the total combined score at certain points during the game, including any extra time added if the score was tied at the end of regulation time. In a Total Over/Under Wager, a Player predicts the score to be lower or higher than the set line to win the Wager.
    - (1) In a “Total Drivers to Classify Total Over/Under” Wager, the Player predicts whether the total number of drivers to classify during a race are over or under a specified limit.

- (c) Head to Head - “Head to Head Wagers are available for games or events in which a direct comparison can be made between two (2) teams or two (2) individual participants in a game or event.
- (1) In a “To Qualify Head to Head” Wager, the Player predicts which two drivers will finish with a better classification in a qualifying race. In the instance where one of the two drivers does not qualify, that driver will be considered having lost. If neither of the two drivers qualify, then the winner will be considered the one who has achieved the highest qualifying position.
  - (2) In a “Pole Position Head to Head” Wager, the Player predicts which two drivers will finish with a better classification in a pole position race. In the instance where one of the two drivers does not classify based on their time, that driver will be considered having lost. If neither of the two drivers classify, then Wagers received on these two drivers are refunded by receiving odds of one (1.00).
  - (3) In a “Race Head to Head” Wager, the Player predicts which two drivers will finish with a better classification in a race. In the instance where one of the two drivers do not classify, that driver will be considered having lost. If neither of the two drivers classify, then the winner will be considered the driver who has completed more rounds. This is independent of the distance that each one has driven, the time that each one withdrew and/or the position that each one occupied at the time of withdrawal. If neither of the two drivers classifies, having completed the same number of rounds, then Wagers received on these two drivers are refunded by receiving odds of one (1.00).
- (d) Proposition “Prop” Wagers—Proposition Wagers are wagers on a specific outcome during an event that does not relate to the final score. They may be offered as “Team Props,” “Player Props” and “Special Props.”
- (1) In a “Winning Margin” Wager, the Player predicts the finishing time difference between the first and second driver. Choices will be given in the form of a range of time differences or with the choice of “more or less” than a specified time range.
  - (2) In a “Winning Car/Bike” Wager, the Player predicts the manufacturer of the car or motorcycle that the winning driver of a race or pole position race will be driving.
  - (3) In a “First Driver to Retire” Wager, the Player predicts which driver will first withdraw from a race. Two drivers are considered to have withdrawn simultaneous when they have both completed the same number of rounds in a race. This is independent of the

distance they have both driven, the time they withdrew and/or the position that each occupied at the time of withdrawal.

- (4) In a “Fastest Lap” Wager, the Player predicts which driver will perform the fastest lap/stage or any other separately timed part in a race.
- (5) In a “To Classify/Not to Classify” Wager, the Player predicts if a driver classifies during a race.
- (6) In a “Race Group Betting” Wager, the Player predicts which of the offered drivers will finish in a better position during a race. In the instance where one or more drivers do not classify, each driver will be considered having lost. If none of the offered drivers classify, then the winner of this Wager will be considered the driver who has completed more rounds. This is independent of the distance that each one has driven, the time that each one withdrew and/or the position that each one occupied at the time of withdrawal. If none of the offered drivers classify and they have all completed the same number of rounds, then Wagers received on all these drivers are refunded by receiving odds of one (1.00).
- (7) In a “Safety/Car” Wager, the Player predicts whether there will be a need for the Safety/Pace car to enter the circuit during the race. This Wager does not include the warm-up round.

## **2018 AUSTRALIAN RULES FOOTBALL**

2018.1 For Australian Rules Football, overtime is taken into account, except for the following Wager types: Final Result in the form of Home/Tie/Away or 1X2, and those Wagers that pertain to the 2<sup>nd</sup> half or 4<sup>th</sup> quarter in which the score of the section of the game is taken into account.

2018.2 The Office may offer the following Australian rules football Wager types:

- (a) Money Line—In a “Money Line” Wager, the Player predicts the outright winner of the game by correctly selecting either for the home team to win or for the away team to win. There is no Point Spread involved in a “Money Line” Wager.
  - (1) In a 3way “Money Line” Wager, the Player has three options: To predict either for the home team to win, for the away team to win, or for the game to end in a draw (not taking into account any overtime played).
  - (2) In a “Quarter Result” Wager, the player predicts the result of a specific quarter (1<sup>st</sup> quarter, 2<sup>nd</sup> quarter, 3<sup>rd</sup> quarter, or 4<sup>th</sup> quarter) taking into account only the points scored in these quarters.

- (b) Point Spread/Handicap—A Point Spread Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The Point Spread represents the margin of points in which the favored team must win by to “cover the spread.”
- (1) In a “Final Result with Point Spread/Handicap” Wager, the Player predicts the final result of a game taking into account the Point Spread/Handicap given to one of the two teams. The Point Spread/Handicap can be a whole number or not. This Point Spread/Handicap is taken into account when determining a winning prediction. If the Point Spread/Handicap is a non-whole number, then a draw cannot be a resulting outcome. This Wager can be offered for one half (1<sup>st</sup> half or 2<sup>nd</sup> half) or for any specified time period of the game in which case the prediction involves the points scored for this specific time period of the game.
- (c) Total Over/Under—In a “Total Over/Under” Wager, the player predicts if the total number of points scored in a game is greater or less than a range publicized. This Wager can be offered for only one team (home or away), or one half (1<sup>st</sup> half or 2<sup>nd</sup> half), or for any specified time period of the game, or any combination of team and time period in which case the prediction involves the points scored for this specific time period of the game.

**2019****CRICKET**

## 2019.1

In cricket Wagers the following provisions are valid:

- (a) The winner of a cricket match, a cricket series, top bowler, top batsman, team top bowler, team top batsman in a certain competition or in a part of it; or any other cricket result, is determined in accordance with the rules established by the competition’s Governing Body, unless otherwise stated.
- (b) If the competition or series is cancelled, all Wagers will be given odds of one (1.00).
- (c) Wagers received on totals in a County Championship or Test Match (*e.g.*, sixes, boundaries, runs, etc.) are valid if at least one ball is bowled.
- (d) If there is a rain delay or any other delay which results in the number of overs being reduced from that scheduled when the Wager was placed, then all open Wagers on totals in a Twenty20 (T20) match will be given odds of one (1.00), as well as in the circumstances where the reduction is by three (3) or more overs and in other limited overs matches if the reduction is by or more overs.
- (e) For Wagers involving a specified number of overs:



- (1) If there is a rain delay or any other delay which results in the reduction of the stated number of overs, then all Wagers placed will be given odds of one (1.00).
  - (2) In the instances where a Wager is offered for a single over and the full over is not completed, then all Wagers placed will be given odds of one (1.00) unless at the moment of suspension there is a winning outcome (an outcome or result that could not be changed even if the match was continued and completed).
- (f) For Wagers in which any player in the match is predicted to reach a specific target:
- (1) In the instance where a player withdraws due to injury and does not return to the match, then all Wagers placed will be given odds of one (1.00) unless at the moment of suspension there is a winning outcome (an outcome or result that could not be changed even if the match was continued and completed).
  - (2) Subject to if a player withdraws due to injury and does not return to the match, then all Wagers placed will be given odds of one (1.00) unless at the moment of suspension there is a winning outcome (an outcome or result that could not be changed even if the match was continued and completed), for Wagers to remain valid the batsman must face at least one ball or be given out before the first ball is faced.

2019.2 The Office may offer the following cricket Wager types:

- (a) Money Line—A “Money Line” or straight up wager is a bet on the outright winner of the game or event without any Point Spread odds.
- (1) In a “Final Result of a Cricket Match” Wager, the Player predicts the final result of a match. The final result of a match used to settle Wagers is the result achieved at the conclusion of play, according to the announcement by the competition’s Governing Body. If the competition’s Governing Body at the conclusion of the match announces “No Result,” all Wagers received on the final result will be given odds of one (1.00).
  - (2) The possible outcome for a draw between the two teams can be offered for all types of matches, except in one-day matches. In the case of a draw, in all matches for which “Draw” is not offered as a possible outcome, all Wagers received on the final result will be given odds of one (1.00).

- (3) If the match (Test or 3-5 days international) is suspended after the match has been started and one at least one ball has been bowled, all Wagers for final result will stand.
  - (4) If a one-day match (20 overs) is suspended after at least five (5) overs have been bowled by each of the two teams, then all Wagers will stand, and the winning outcome is determined according to the Duckworth Lewis method. In all other circumstances, Wagers for the final result will be given odds of one (1.00).
  - (5) If a one-day match (40 or 50 overs) is suspended after at least twenty (20) overs have been played by each of the two teams, then all Wagers will stand, and the winning outcome is determined according to the Duckworth Lewis method. In all other circumstances, Wagers for the final result will be given odds of one (1.00).
  - (6) Winner Interval Wager—In a “Winner Interval” Wager, the Player predicts the result of a specified period of a match in overs (*e.g.*, “Winner After 6 Overs” – which team will score most runs in their first 6 overs).
- (b) Total Over/Under—In a “Total Over/Under” Wager, the Player predicts if the total number of runs scored in a match will be greater or less than a limit of runs publicized. This Wager can be offered for a specific team, or for a specific range of the match (in number of overs), or any combination of team and range of the match in which case only the runs scored from this team and/or the specific range is taken into account.
- (1) In a “Total Runs” Wager, the Player predicts if the total number of runs scored in a match will be within a certain range. This Wager can be offered for a specific team, or for a specific range of the match (in number of overs), or any combination of team and range of the match in which case only the runs scored from this team and/or the specific range is taken into account.
- (c) Odd/Even—In an “Odd/Even” Wager, the Player predicts if the total number of runs scored in a match will be odd or even. This Wager can be offered for a specific team, or for a specific range of the match (in number of overs), or any combination of team and range of the match in which case only the runs scored from this team and/or the specific range is taken into account. In all circumstances, zero (0) is considered to be an even number.
- (d) Proposition “Prop” Wagers—“Proposition” Wagers are wagers on a specific outcome during an event that does not relate to the final score.

They may be offered as “Team Props,” “Player Props” and “Special Props.”

- (1) In a “Next Man Out” Wager, the Player predicts which cricket player will be the next man to be dismissed a match or series. Both players/athletes must be at the crease at the same time for Wagers to remain valid. In the event of neither player being dismissed or one of the players/athletes withdrawing through injury before a wicket has fallen, then all Wagers placed will be given odds of one (1.00).
- (2) In a “Fall of Next Wicket” Wager, the Player predicts whether the next wicket will fall before or after a specified number of runs have been scored. Wagers will be given odds of one (1.00), if the wicket stated does not fall unless a winning outcome has already been established. If a player withdraws due to injury, then all Wagers placed on that wicket are carried over onto the next partnership until a wicket falls.
- (3) In a “Method of Dismissal” Wager, the Player predicts how the next wicket will fall. If no wicket falls, Wagers will be given odds of one (1.00).

2019.3 Winner of a Cricket Series (Futures)—In a “Winner of a Cricket Series” Wager, the Player predicts the outcome of a cricket series (team A to win, team B to win, neither team to win). The number of wins per team is the number of wins officially announced by the competition’s Governing Body at the end of the series. Wagers received on a team, who for whatever reason, was disqualified or withdrawn from the series, are not winning Wagers unless otherwise stated. Wagers received for any team, who for whatever reason, did not participate in the series will be given odds of one (1.00). If the series is suspended before the scheduled number of matches is completed, then the team that is ahead at the time will be the winner. If no team is ahead at the time of suspension, the winning outcome is a draw.

## 2020 DARTS

2020.1 The results of a Darts match include all possible parts within a match until a final winner is determined.

2020.2 The Office may offer the following darts Wager types:

- (a) Money Line—A “Money Line” or straight up wager is a bet on the outright winner of the game or event without any point spread odds.
  - (1) In a “Match Winner” Wager, the Player predicts the final result of a darts match by correctly selecting darts player (or team) A to win or darts player (or team) B to win or a draw (whenever available).

In the event of a darts match in a knockout competition of a 2way format starting, but for whatever reason not being completed, the player progressing to the next round will be deemed the winner.

- (2) In a “Set/Leg Winner” Wager, the Player predicts the final result (player A to win, player B to win, or draw) of a specific set or leg of a match (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.).
- (b) Point Spread/Handicap—A “Point Spread” Wager is when a plus or minus Handicap (line) is assigned to either team and then it is added or subtracted to each final score to determine the winner. The “Point Spread” represents the margin of points in which the favored team must win by to “cover the spread.”
- (1) In a “Winner with Spread/Handicap” Wager, the Player predicts which darts player will win the most sets or legs in a match, taking into account a Point Spread/Handicap in sets or legs for one of the two players/athletes. A Point Spread/Handicap can be a whole number or not. This Point Spread/Handicap is taken into account when determining a winning prediction. If the Point Spread/Handicap is not a whole number, then a draw cannot be a resulting outcome. This Wager can be offered per specified set (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), in which case the prediction involves only the legs that will be played in that segment of the match.
- (c) Total Over/Under –In a “Total Over/Under” Wager, the Player predicts if the total number of points scored that will be played in a match is greater or less than a specific range. This Wager can be offered for a specified set or leg (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), or for specific darts player, or a combination of player and sets/legs in which case the prediction involves only the points that will be played in that segment of the match and/or the player.
- (1) In a “Total Sets/Legs” Wager, the Player predicts the exact number of sets that will be played in a match or the exact number of legs that will be played within a set.
- (d) Odd/Even—In an “Odd/Even” Wager, the Player predicts whether the total number of points scored will be played in a match is odd or even. This Wager can be offered for a specified set or leg (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), or for specific darts player, or a combination of player and sets/legs in which case the prediction involves only the points that will be played in that segment of the match and/or the darts player. In all circumstances, zero (0) is considered to be an even number.
- (e) Proposition “Prop” Wagers—“Proposition” Wagers are wagers on a specific outcome during an event that does not relate to the final score.

They may be offered as “Team Props,” “Player Props” and “Special Props.”

- (1) In a “Correct Score” Wager, the Player predicts the correct score in sets or legs (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.) of a darts match.
- (2) In a “180s” Wager, predictions refer to the specific statistical measurement of 180 (the highest possible score with three darts). Players can predict “Player with Most 180s,” “Player with Most 180s with Handicap,” “Total 180s.” This Wager can be offered for a specified set or leg (1<sup>st</sup> set, 2<sup>nd</sup> set, 3<sup>rd</sup> set, etc.), or for specific darts player, or a combination of player and sets/legs in which case the prediction involves only the points that will be played in that segment of the match and/or the darts player.

## **2021 FUTURES AND SPECIAL WAGERS**

- 2021.1 Futures Wagers are Wagers placed far in advance of an event taking place. Special Wagers may include the determination of the winner of a competition; the final positioning order; the precise order; qualification to the next round; or statistical accomplishments (*e.g.*, first scorer, group with the most goals, total number of goals, etc.) within the framework of a competition or part of it, and decided based on the rules of conduct for each competition, irrespective of how these were determined and including any and every method of determining results.
- 2021.2 Except where part of the competition has already been determined and the wager has been settled, Wagers received for team, player/athlete, driver, or any type of participant that is disqualified or has withdrawn from the competition are considered non-winning Wagers.
- 2021.3 Wagers placed on a team, player/athlete, driver, or any type of participant that, for whatever reason, did not take part in the competition are refunded.
- (a) For any player/athlete-related Wagers, any athletes that were part of the official roster for at least one game or any other actual part of the competition are considered to have taken part in the competition, regardless of their actual participation in a game.
  - (b) It is considered that a team participated in a competition if it took part in any qualifying stage in whatever form.
- 2021.4 If there is a final suspension of a competition, for whatever reason, then all Wagers will be refunded, unless they involve Wagers on a part of the competition that has already concluded and received a result.
- 2021.5 The determination of the winner of a competition; the final positioning order; the precise order; qualification to the next round; or statistical accomplishments (*e.g.*,

first scorer, group with the most goals, total number of goals) within the framework of a competition or part of it, is decided based on the rules of conduct for each competition, irrespective of how these were determined and including any and every method of determining results.

2021.6 It is considered that a team participated in a competition if it took part in any qualifying stage in whatever form.

2021.7 If there is a final suspension of a competition, for whatever reason, then all Wagers receive odds of one (1.00), unless they involve Wagers on a part of the competition that has already concluded and received a result.

2021.8 The Office may offer the following Futures and Special Wagers types:

(a) In a “Winner of a Competition or Part of It” Wager, the Player predicts the winner of a competition or part of it such as group winner, qualification winner, etc.

(1) This Wager can be offered in a combination of two or more competitions (*e.g.*, “Who Will Win All 4 Grand Slams” or “Which Team Will Win the Championship (Cup, etc.).”)

(2) This Wager can be offered through the “Yes/No” option, separately for each team (or athlete or driver or any participant).

(3) This Wager can be offered with options that group teams with common characteristics, such as same continent, same country, previous wins, etc.

(b) In a “Medal Winner” Wager, the Player predicts which player/athlete, team, or any participant will win a medal in a specific competition. Wagering option may include winning a specific medal (*e.g.*, Gold, Silver, Bronze), or any medal.

(1) This Wager can be offered in a combination of two or more competitions.

(2) This Wager can be offered through the “Yes/No” option for any player/athlete, team, or any participant.

(3) For the settlement of Wagers involving medals, the valid winning positions are those announced during the respective medal ceremony. If the medal ceremony is not held, the winning positions are those initially publicized by the competition’s Governing Body. If the ceremony is not held, the winning positions are those initially publicized by the competition’s Governing Body. Any changes after the initially publicized announcement of results are not taken into account.

- (c) In a “Winner of a Competition or Part of it Without a Certain Option” Wager, the Player predicts the winner of a competition or part of it such as group winner, qualification winner, etc., without taking into account the position of a specific participant.
  - (1) This Wager can be offered through the “Yes/No” option separately for each team (or athlete or driver or any participant).
  - (2) This Wager can be offered with options that group teams with common characteristics, such as same continent, same country, previous wins, etc.
- (d) In a “Qualification to the Final or to a Stage of a Competition” Wager, the Player predicts if a team (or athlete or driver or any participant) will qualify for the final of a competition or a specific stage of it (*e.g.*, group stage, semi-final, etc.).
  - (1) This Wager can be offered through the “Yes/No” option separately for each team (or athlete or driver or any participant).
  - (2) This Wager can also be offered for combination of teams/players/participants (*e.g.*, “Which 4 Teams Will Qualify to the Semi-Finals of a Competition”).
- (e) In a “Correct Placing/Elimination Stage/Relegation” Wager, the Player predicts what will be the exact place or the precise elimination phase of a team (or athlete, or driver, or any participant) or which team will be relegated.
  - (1) This Wager can be offered with a choice of ranges for the place or stage group. This Wager can be offered in reference to a combination of correct places for two or more teams (*e.g.*, predicting 1<sup>st</sup> and 2<sup>nd</sup> place with or without exact order) or for athletes, drivers, or for any participant.
  - (2) This Wager can be offered through the “Yes/No” option separately for each team (or athlete or driver or any participant).
  - (3) This Wager can also be offered for combination of teams/players/participants (*e.g.*, teams to get 1<sup>st</sup> and 2<sup>nd</sup> place in a tournament).
- (f) In a “Group Betting” Wager, the Player predicts which team (or athlete or driver or any participant) will occupy the top spot in a competition (or part of it) within a group of participants, by group not necessarily being an actual and official group designated by the competition.

- (1) This Wager can be offered through the “Yes/No” option separately for each team (or athlete or driver or any participant).
- (g) In a “Top Scorer of a Competition or Part of It” Wager, the Player predicts which player/athlete will achieve the most goals (or points, etc.) within the framework of a competition or part of it.
- (1) This Wager can be offered for any other statistical measure or for specific teams separately.
  - (2) This Wager can be offered and with choices within a group of teams, an example but not limited to, is the top scorer of a continent, or the team of the top scorer, etc.
  - (3) This Wager can be offered through the “Yes/No” option separately for each player/athlete or driver or any participant.
- (h) In a “The Winner’s Group” Wager, the Player predicts the group from which the winner of the competition will come from.
- (1) This Wager can be offered and with choices within a group of teams besides the ones designated by the competition, an example but not limited to, can be in reference to the Continent from which the winner of the competition will come from or in reference to the gender of the winner, etc.
  - (2) This Wager can be offered through the “Yes/No” option separately for each group.
- (i) In a “Group with the Most Goals or Points or Other Statistical Measure” Wager, the Player predicts the group of a competition that the most goals or points or other statistical measure will be scored.
- (1) In the instance where not all games from all groups have concluded, then all Wagers receive odds of one (1.00).
  - (2) This Wager can be offered through the “Yes/No” option separately for each group.
- (j) In a “Head to Head” Wager, the Player predicts the team (or athlete or driver or any other participants) that will occupy a better position or will achieve the best statistical result between a couple within the framework of a competition or part of it.
- (k) In a “Winning Margin” Wager, the Player predicts what the winning margin will be between the winner of competition (or part of it) and the runner up, either as a ”Total Over/Under” option from a predefined limit, or within ranges, or as a ”Yes/No” option.



- (1) This Wager can be offered in a combination of two or more competitions or options that group teams, players, athletes, or participants with common characteristics, such as same continent, same country, same gender, etc.
- (l) In a “Time of Goals” Wager, the Player predicts the interval in which a goal or a number of goals will be scored, either in the form of a “Total Over/Under” value, or within a range, or as a ”Yes/No” option. Non exhaustive examples include: “Time of Fastest Goal within a Tournament,” “Number of Goals Scored within a Certain Number of Matches,” etc. This Wager can be offered for any other documented incident or statistical measure and can also be offered for specific teams, players, athletes, etc.
- (m) In an “Awards Winner” Wager, the Player predicts the team, or athlete, driver, or any other participants that will be given a certain award. The results are in accordance with the association, committee, or any other official party that is responsible for the award. Non exhaustive examples include: “Player of the Tournament” award, “Golden Ball” award, “MVP” award, etc. In the case Wagers are offered for a certain award that is finally not awarded, then Wagers on all participants will be void and refunded.
- (n) In the “Next Manager” Wager, the Player predicts which will be the next manager of a specific team. This Wager could be offered as a “Next Permanent Manager” option in which case an official appointment from the respective team must take place, or as a “Next Match Manager” option, in which case the next manager of whichever status is taken into account.
- (o) In “Statistics/ Future Proposition” Wagers, the Player predicts any statistical measure (points, wins, etc.) or sporting achievement that will be achieved by teams, players/athletes or any kind of participants within the framework of a competition, a part of it, or a single match or part of the game or event.
- (p) Such Wagers can be offered in the form of a choice of ranges, exact results, in the form of “Total Over/Under” choices or as a ”Yes/No” option or a single “Yes” option or as a “Head to Head” option. Examples include the following:
- (1) Team points during a group stage; player to score a goal with a free kick; combination of players/athletes to score a goal; a player to achieve X points and X rebounds in a Basketball game; a tennis player to win a tournament without losing a set; number of deuce games in a tennis match; number of cars classified in a F1 race;

finish time of a Track and Field race; number of medals won by an athlete/country, etc.

- (q) Such Wagers can be offered for a single team/player/competitor, etc., or for a combination of them, not necessarily from the same game or match (e.g. team A and team B to have a red card) and also as a combination of statistical measures or achievements (e.g., player A to receive a yellow card and player B to score with a free kick).
- (r) In all circumstances, the official stat sheet/box score will determine the final outcomes of single matches and the official statistic reports or other official document from the competition's Governing Body will determine the final outcomes for tournaments.

**2022****RESPONSIBLE GAMING PROGRAM**

## 2022.1

The Office's Responsible Gaming Program shall include, at a minimum, the following:

- (a) Display signage and written materials, in conspicuous places in their sports Wagering Facilities, and on their websites and mobile applications information on the availability of problem gambling treatment or counseling, procedures for self-exclusion, and promotion of the National Council on Problem Gambling's 24-hour toll-free confidential National Helpline—1-800-522-4700 (call or text);
- (b) Provide information on all print, billboard, sign, online, or broadcast advertisements, information about available programs to prevent, treat, or monitor compulsive or problem gambling, procedures for self-exclusion, and promotion of the National Council on Problem Gambling's 24-hour toll-free confidential National Helpline—1-800-522-4700 (call or text);
- (c) Post in every Lottery retailer licensed for sports Wagering, on the Office's websites and mobile application, a statement referring Players to the National Council on Problem Gambling's 24-hour toll-free confidential National Helpline—1-800-522-4700 (call or text) and other information;
- (d) Will prohibit an individual, group of individuals or entity that places Wagers with the Office from establishing more than one active Account with;
- (e) Will permit an individual, group of individuals or entity that places Wagers with the Office to terminate their Account at any time and for any reason;
- (f) Will train its employees on responsible gaming initiatives;
- (g) Will prohibit underage gambling;

- (h) Will take reasonable measures to prevent intoxicated or impaired Players from gambling;
- (i) The Office's sports Wagering websites and mobile applications will include a description of the possible repercussions for an underage player who circumvents or attempts to circumvent controls to prevent underage play, such as immediate stoppage of play, account closure, and confiscation of winnings.

2022.2 The Office shall implement a Self-Limiting System to allow Players to set Account limits, including responsible gaming limits set forth below. Any decrease to these limits shall be effective no later than the Player's next log in. Any increase to these limits shall become effective only after the time period of the previous limit has expired and the player reaffirms the requested increase.

- (a) A deposit limit, which shall be offered on a daily, weekly and monthly basis and shall specify the maximum amount of money a Player may Deposit into their Account during a particular period of time;
- (b) A spending limit, which shall be offered on a daily, weekly and monthly basis and shall specify the maximum amount of Player funds that may be put at risk during a particular period of time; and
- (c) A time-based limit, which shall be offered on a daily basis and shall specify the maximum amount of time, measured hourly from the Player's log in to log off, a Player may spend playing on the Office's gaming system.

2022.3 The Office shall take reasonable steps to prevent individuals from overriding their self-imposed limits, including, at the request of the individual, sharing the requested limitations with Office licensed Operators and Management Service Providers for the sole purpose of disseminating the request to other Operators.

2022.4 The Office shall prohibit an individual from Wagering over the limit they have set.

2022.5 The Office shall implement and maintain reasonable security procedures and practices that are appropriate to the nature of the personal information of individuals who place a Wagers with the Office from unauthorized access, use, modification or disclosure.

2022.6 Operators and Management Service Providers shall abide by all requirements issued by the Office pertaining to training employees about compulsive and problem gambling.

2022.7 The Office's Self-Exclusion Program is established for the purpose of allowing persons who wish to refrain from sports Wagering and other types of gambling offered by the Office, to notify the Office that they will accept responsibility for

refraining from engaging in Sports Wagering and other gambling activities offered by the Office and its Licensees. Each person seeking placement in the Self-Exclusion Program acknowledges that it is their responsibility to refrain from engaging in Sports Wagering and other gambling activities under the jurisdiction of the Office.

- 2022.8 An individual may request to have their name placed on the Self-Exclusion List by completing the application and following the procedure outlined in the Office's website or printed material available from the Office.
- 2022.9 An application for placement on the Self-Exclusion List may only be accepted, and an intake performed, by a designated agent approved by the Office.
- 2022.10 Failure to provide any information or to execute any forms deemed necessary by the Office may result in a denial of a request for placement in the Self-Exclusion Program.
- 2022.11 Self-Exclusion List application forms may include a request to waive the liability of the Office and its agents, sports Wagering Licensees and their agents, the District and any person licensed pursuant to the Act, or other such persons as deemed necessary by the Office, for any damages that may arise out of any act or omission related to placement in the Self-Exclusion Program.
- 2022.12 Upon the filing of an application for placement in the Self-Exclusion Program, the Office may file a Notice of Placement in the Self-Exclusion Program and such application and notice may be disclosed to Sports Wagering Operator Licensees, Management Services Providers and their agents and employees, as approved by the Office.
- 2022.13 Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
- 2022.14 A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the Self-Exclusion List.
- 2022.15 Upon receipt of an application, the Office, or its designee, shall review it for completeness. If the application meets all requirements of this chapter, the application shall be approved, and the individual's name shall be added to the Self-Exclusion List. If the application is incomplete, the Office, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
- 2022.16 The Office shall update its database at least every seventy-two (72) hours with names of individuals being added or removed from the Self-Exclusion List.

- 2022.17 Any person may request placement on the list of self-excluded persons, and the person during any period of voluntary exclusion may not collect any winnings or recover any losses resulting from any sports Wagering or lottery gaming activity, regardless of whether the Wager was placed prior to being voluntarily placed on the list of self-excluded persons. All winnings and Wagering instruments subject to this section shall be withheld by the Office.
- 2022.18 The Office, or its designee, shall add to the Self-Exclusion List the name of any individual provided from a gaming jurisdiction outside of the District, with which the Office has entered into an intergovernmental agreement, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.
- 2022.19 A person does not have to admit they are a problem gambler when placing themselves in the Self-Exclusion Program.
- 2022.20 If the applicant has elected to seek services available within the District, the Office, or its designee, shall contact the designated coordinating organization for the provision of requested services. The Executive Director shall determine the information and forms to be required of a person seeking placement on the Self-Exclusion List. Such information shall include, but not be limited to, the following:
- (a) Name, home address, email address, telephone number, date of birth, and Social Security number of the applicant;
  - (b) A passport-style photo of the applicant;
  - (c) A statement from the applicant that one or more of the following apply:
    - (1) They identify as a “problem gambler,” meaning an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of their family, friends, or co-workers;
    - (2) They feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
    - (3) There is some other reason why they wish to add their name to the Self-Exclusion List.
  - (d) Election of the duration of the exclusion in accordance with Subsection 2022.22 of this chapter;

- (e) An acknowledgment by the applicant that the individual will not be participating in sports Wagering or any other form of gambling offered by the Office and that it is their sole responsibility to refrain from doing so;
- (f) An acknowledgment by the applicant that the applicant shall not collect any winnings or recover any losses resulting from any gambling activity under the jurisdiction of the Office for the duration of the exclusion period;
- (g) An acknowledgment by the applicant that the individual will forfeit all rewards or points earned through any player reward or another promotional program they engage in sports Wagering while on the Self-Exclusion List;
- (h) An offer by the Office or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help or counseling services with a clinician approved by the District of Columbia Department of Behavioral Health;
- (i) An acknowledgment of understanding by the applicant that by placing their name on the Self-Exclusion List, the prohibitions identified in § 2129 apply to all sports Wagering or gambling activities offered by the Office or its Licensees or affiliates, whether within the District or another jurisdiction, and that the Office may share the Self-Exclusion List with other domestic or international gaming jurisdictions resulting in placement on those lists;
- (j) An acknowledgment by the applicant that the individual is submitting the application freely, knowingly, and voluntarily;
- (k) A statement that the individual is not under the influence of a substance or suffering from a mental health condition that would impair their ability to make an informed decision;
- (l) An acknowledgment by the applicant that if they knowingly violate their agreement to refrain participating in any gambling activity offered by the Office or its Licensees or affiliates during the exclusion period, the applicant shall notify the Office of such violation within twenty-four (24) hours of such gambling activity; and releasing the District, the Office and all affiliated employees, entities and persons licensed by the Office and their affiliates, from any claims associated with their breach of the agreement;
- (m) An affidavit verifying that the applicant wishes to be placed on the Self-Exclusion List, that the Office is specifically authorized and requested to release all contents of the person's application to persons who, in the sole discretion of the Office, are necessary to implement the policies and

procedures contained in this chapter. Such persons shall be subject to terms of confidentiality prescribed by the Office, which shall be contained in the application. Such persons shall include, but not be limited to the following:

- (1) Employees or contractors of the Office involved in the administration, supervision or activities related to the administration or supervision of this chapter;
- (2) Licensees of the Office or their affiliates, agents and employees;
- (3) Designated agents; and
- (4) Law enforcement personnel involved in the administration, supervision or investigation of activities contained in this chapter.

- (n) An acknowledgment by the applicant that once their name is placed on the Self-Exclusion List, they may be refused entry or ejected from areas specifically devoted to sports Wagering or other forms of gambling under the jurisdiction of the Office by a person licensed by the Office, an agent of the Office, or law enforcement personnel.

2022.21 The Office may provide procedures permitting online self-exclusion if it determines that the goals, objectives and protections of the in-person self-exclusion process can be accomplished online.

2022.22 As part of the request for self-exclusion, the individual must select the duration for which they wish to be excluded. An individual may select any of the following time periods as a minimum length of exclusion:

- (a) One (1) year;
- (b) Eighteen (18) months;
- (c) Three (3) years;
- (d) Five (5) years; or
- (e) Lifetime (an individual may only select the lifetime duration if their name has previously appeared on the Self-Exclusion List for at least six (6) months).

2022.23 An individual on the Self-Exclusion List may not apply to decrease the duration of exclusion. An individual who is on the Self-Exclusion List may submit a request to increase the minimum length of exclusion.

2022.24 Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the Self-Exclusion List or petition for exclusion

for a new duration. Individuals shall remain on the Self-Exclusion List after the expiration of the selected duration of exclusion until such time as they submit a petition for removal, and it is approved by the Office or its designee.

- 2022.25 At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the Self-Exclusion List by submitting a petition for removal on a form approved by the Office. The petition shall include confirmation from a designated agent that the individual completed an exit session. Any petition for removal received by the Office prior to the expiration of the duration of the selected exclusion period shall be denied.
- 2022.26 The Office shall approve a completed petition for removal. An individual who has selected a lifetime duration may not submit a petition for the removal of their name from the Self-Exclusion List. An incomplete application, including one that fails to demonstrate completion of an exit session shall be denied until such time as the application is completed.
- 2022.27 To be eligible for removal from the Self-Exclusion List the petitioner shall participate in an exit session with a designated agent. The exit session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the exit session, the designated agent shall sign the individual's petition for removal from the Self-Exclusion List attesting to the fact that the exit session was conducted.
- 2022.28 Upon approval of a petition for removal from the Self-Exclusion List, a written notice of removal from the Self-Exclusion List shall be forwarded by the Office, or its designee, to each gaming Licensee and to the petitioner. Notice may be forwarded to the petitioner by email or first-class mail to the email address or home address provided by the petitioner in the petition. The petitioner shall be deemed to be removed from the Self-Exclusion List when the notice is sent by the Office or its designee.
- 2022.29 If a petitioner does not meet the eligibility requirements for removal from the Self-Exclusion List, the petition shall be denied. The petitioner shall be notified of the denial by email or first-class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the Self-Exclusion List until such time as the eligibility requirements have been satisfied.
- 2022.30 An individual whose name has been removed from the Self-Exclusion List may reapply for placement on the Self-Exclusion List at any time by submitting an application in accordance with this chapter;
- 2022.31 An individual whose name was added to the Self-Exclusion List in the District in accordance with this chapter shall be removed from the Self-Exclusion List upon



receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.

- 2022.32 The Office shall maintain an up-to-date database of the Self-Exclusion List. Licensees designated by the Office shall be afforded access to the Self-Exclusion List. The Self-Exclusion List may only be accessed by individuals authorized in accordance with the Licensee's approved system of internal controls. All information contained in approved applications for exclusion may be disclosed to a designated Licensee.
- 2022.33 Except as authorized by this chapter, the Office's Self-Exclusion List shall be kept confidential. Except as authorized or required by this chapter, Sports Wagering Operators and Management Services Providers shall not disclose the names included in the Self-Exclusion Program.
- 2022.34 The Self-Exclusion List shall not be publicly disclosed by a Licensee, agent, affiliate or other person authorized to access the Self-Exclusion List. However, a Licensee may share the Self-Exclusion List with other designated Licensees in the District or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated sports Wagering or lottery retailer establishments.
- 2022.35 The Office may disclose de-identified information from the Self-Exclusion List to one or more research entities selected by the Office for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion program.
- 2022.36 Any person placed on the Self-Exclusion List pursuant to this chapter is deemed ineligible to place a Wager at any Sports Wagering Facility, licensed Lottery retailer, or mobile application or website under the jurisdiction of the Office. Persons on the Self-Exclusion List shall not be entitled to recover losses resulting from their gambling activity since the Wager was void from its beginning.
- 2022.37 Sports Wagering Licensees and Lottery retailers shall have the following responsibilities relative to the administration of the Self-Exclusion Program:
- (a) Once aware that a person who is on the Self-Exclusion List is on Premises, the Licensee or retailers shall refuse such person entry to or eject such person from areas specifically devoted to sports Wagering, lottery or other forms of gambling product approved by the Office;
  - (b) To refuse to accept a Wager or to allow the purchase of any gambling product approved by the Office to any individual that the Licensee or retailer has identified as being on the Self-Exclusion List or a person such Licensee or retailer suspects of being on the Self-Exclusion List;

- (c) To promptly notify the Office, or its designee, if an individual on the Self-Exclusion List attempts to place or is discovered to have placed a sports Wager or purchased or attempted to purchase a lottery ticket;
- (d) Remove self-excluded persons from player loyalty or reward card programs and targeted print, online or other forms of advertising or promotions;
- (e) Refrain from marketing to individuals on the Self-Exclusion List;
- (f) Deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the Self-Exclusion List;
- (g) Deny a person identified to be on the Self-Exclusion List from any winnings derived from gambling. Winnings derived from gambling shall include, but not be limited to, such things as proceeds derived from a sports Wagering or from the purchase of any gambling product approved by the Office. Where reasonably possible, the Licensee or retailer shall withhold from the individual in a lawful manner, or shall refuse to pay any such winnings derived from gambling or any money or thing of value that the individual has converted or attempted to convert into a gambling instrument whether actually Wagered or not. A Wagering instrument shall include, but not be limited to, tickets, vouchers, prizes, non-complimentary pay vouchers, electronic credits on a mobile Wagering system or any other implement of value representing a prize won from gambling. Upon withholding or refusing to pay an individual on the Self-Exclusion List, the Licensee or retailer shall promptly notify the Office. The monetary value of the withheld winnings and Wagering instrument shall be paid to the Office within forty-five (45) days;
- (h) If an individual on the Self-Exclusion List wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the Office within fifteen (15) business days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted to determine whether the subject funds were properly forfeited in accordance with this chapter; and
- (i) In cooperation with the Office, and where reasonably possible, the Licensee or retailer shall determine the amount Wagered and lost by an individual who is prohibited from gambling. The monetary value of the losses shall be paid to the Office within forty-five (45) days.

2022.38

Programs and policies created by this chapter are intended to prevent problem gambling, treat problem gamblers and promote responsible gaming. The sole remedy for failure to comply with this chapter shall be disciplinary actions

imposed by the Office. The Office, its Licensees and retailers, or employees thereof will not be liable for damages in any civil action, which is based on the following:

- (a) Compliance or noncompliance with this chapter or a plan adopted pursuant to this chapter;
- (b) An action or failure to take action under this chapter or a plan adopted under this chapter;
- (c) Failure to withhold gambling privileges from an individual; or
- (d) Permitting an individual to gamble.

2022.39

The Office shall maintain an Involuntary Exclusion List that consists of the names of people who the Executive Director determines meet anyone of the following criteria:

- (a) Any person whose presence in a gaming facility would be inimical to sports Wagering in the District of Columbia, including the following:
  - (1) Any person who cheats;
  - (2) Any person who poses a threat to the safety of the patrons or employees;
  - (3) Persons who pose a threat to themselves;
  - (4) Persons with a documented history of conduct involving the disruption of a gaming facility;
  - (5) Persons included on another jurisdiction's exclusion list; or
  - (6) Persons subject to a Court order excluding those persons from any gaming facility;
- (b) Any felon or person who has been convicted of any crime or offense involving moral turpitude and whose presence in a Sports Wagering Facility would be inimical to sports Wagering in the District of Columbia; or
- (c) Any person who enhances a risk of unfair or illegal practices in the conduct of sports Wagering.

2022.40

The Executive Director's determination of inimicality may be based upon any of the following:

- (a) The nature and notoriety of the person to be excluded from Sports Wagering Facilities;

- (b) The history and nature of the involvement of the person with a Sports Wagering Facility in the District of Columbia or any other jurisdiction or with any particular licensee or licensees or any related company of any licensee;
- (c) The nature and frequency of any contacts or associations of the person with any licensee; or
- (d) Any other factor reasonably related to the maintenance of public confidence in the regulatory process or the integrity of sports Wagering in the District of Columbia.

2022.41 The Involuntary Exclusion List shall contain the following information, if known, for each excluded person:

- (a) The full name and all known aliases and the date of birth;
- (b) A physical description;
- (c) The date the person's name was placed on the Involuntary Exclusion List;
- (d) A photograph, if available;
- (e) The person's occupation and current home and business addresses; and
- (f) Any other relevant information as deemed necessary by the Office.

2022.42 The Office shall distribute the Involuntary Exclusion List to Operators and Management Services Providers.

2022.43 The Office shall establish reasonable procedures designed to prevent entry of an involuntarily excluded person into the sportsbook area of a licensed sports Wagering retailer.

2022.44 The Office shall establish a system to exclude from sports Wagering individuals who are on the Office’s Involuntary Exclusion List.

2022.45 The Office shall attempt to provide notice to any person who is placed on the Involuntary Exclusion List.

2022.46 Each excluded person who has been listed on the Involuntary Exclusion List and wishes to contest being placed on the Involuntary Exclusion List may request an administrative hearing pursuant to § 2135.

**2099 DEFINITIONS**

2099.1 The following definitions shall apply to this chapter:

**"Account"** means a digital gaming account that a Player opens on the Mobile App or Site.

**"Bonus"** means free plays or a similar promotional incentive that is added to the Player's Account when a Player meets betting requirements in accordance with the applicable rules for the particular promotion. Bonuses may be used to play Games and place Wagers, but have no cash value.

**"Cash Out"** means a feature which allows a Player to cash a Wager before all events selected in Player's Wager are complete.

**"Confirmed"** means a Wager was placed by a Player, the Office accepted the Wager, the Wager amount was successfully debited from the Player's Account, the Wager was recorded by the Lottery, and the Player received a Wager identification number or similar confirmation number.

**"Deposit"** means money a Player adds to their Account and may be used to play Games and place Wagers.

**"Game"** means a DC Lottery Game made available to Players via the Mobile App and/or Site.

**"Governing Body"** means a recognized organization that has a regulatory or sanctioning function over a particular sport.

**"In-Game Wager"** means a Wager placed during the course of a Sports Event or match.

**"Involuntary Exclusion List"** means a list of persons who are to be excluded or ejected from licensed Sports Wagering Facilities in the District of Columbia. The Involuntary Exclusion List consists of persons who have violated or conspired to violate laws related to gaming, cheats, willful tax evaders, individuals whose presence in a licensed gaming establishment would adversely affect public confidence and trust in the gaming industry, and persons whose presence in a licensed gaming establishment poses the potential of injurious threat to the interests of the District of Columbia.

**"Malfunction"** means an error in the functioning of a Game, the Mobile App, or Site including, the front-end application not being accessible to Players or a Game not working.

**"Mobile Application or App"** mean any mobile application or interactive platform used the Office for the operation of online sports wagering.

**"Net Winnings"** means total Winnings reduced by the amount of the Wager.

**"Office"** means the Office of Lottery and Gaming.

**"Offset"** means money that the Office is required by to deduct from a Player's Winnings for certain debts owed to the District of Columbia, for delinquent child support obligations or as otherwise required by the applicable Laws and Rules.

**"Physical Address"** means for an individual, a residential or business street address; for an individual who does not have a residential or business street address, an Army Post Office, Fleet Post Office box number, the residential or business street address of next of kin, or of another contact individual.

**"Player"** means an individual who is 18 years of age or older that uses the Mobile App, Site or Services or any combination thereof.

**"Online"** refers to the use of the internet to access the Services.

**"Pre-Game Wager"** means a Wager placed prior to the start of a Sports Event or match.

**"Privacy Policy"** means a statement that discloses the type of information the Office may collect and how the Office will secure, use, and disclose information that is periodically updated and published on the Office's website.

**"Self-Exclusion List"** means the list of persons who have applied for and been placed in the Self-Exclusion Program.

**"Self-Exclusion Program"** means the program established by the Office for the purpose of allowing persons who wish to refrain from sports wagering and other types of gambling offered by the Office, to notify the Office that they will accept responsibility for refraining from engaging in sports wagering and other gambling activities offered by the Office and its Licensees.

**"Services"** means the Games and all services, functions and features offered by the Office through the Mobile App or Site from time and time and accessed by the Player via a device, the Internet, retail locations, or other means.

**"Site"** means any website operated by the Office through which a Player can access their Account to play Games.

**"Sports Event"** means a game, match, race or similar competitive event associated with a Governing Body in its entirety or a particular in-game, live occurrence such as, but not limited to, a particular play or score.

**"Wager"** means the amount of money being risked in a bet or to place a bet. A Wager may also be referred to as a Stake.

**"Winnings"** means the prize a Player wins, including the amount of the Wager in the course of playing any Game from the Mobile App, Site or at a retail location.

**"Withdraw" or "Withdrawal"** means any request by a Player to transfer funds from the Account.

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](mailto: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.

**DEPARTMENT OF BEHAVIORAL HEALTH****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption, on an emergency basis, of new per diem rates for Mental Health Community Residence Facilities under Chapter 57 (Mental Health Community Residence Facility Per Diem), of Subtitle A (Mental Health), Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

Appropriate, stable, and affordable housing is key to recovery, and significant evidence shows that permanent, supportive housing increases housing tenure and decreases emergency room visits and hospitalization. Consumers consistently cite housing as a top priority. Community residential facilities are a critical housing option for individuals leaving Saint Elizabeths Hospital for community-based treatment, and for the most vulnerable consumers who are experiencing homelessness, cycle in and out of treatment, or live with family or friends without adequate supports which threatens their sustained recovery.

The Department of Behavioral Health licenses Mental Health Community Residence Facilities pursuant to Title 22-A DCMR Chapter 38 (Mental Health Community Residence Facilities). Mental Health Community Residence Facilities (“MHCRFs”) are defined as “publicly or privately owned community residence facility . . . that houses individuals eighteen (18) or older: (a) With a primary diagnosis of mental illness; and (b) who require twenty-four hour (24 hr.) on site supervision, personal assistance, lodging and meals.” Title 22-A DCMR Chapter 38 enables the Department to license four (4) levels of MHCRFs: (1) Supported Residence MHCRFs (formerly known as Independent CRFs), which provide the necessary level of care and staffing to over six hundred fifty (650) individuals with serious mental illness who, as a result of their mental illness, require the support of twenty-four hour a day supported housing; (2) Transitional Supported Residence which is a Supported Residence intended for individuals who are assessed as likely to live independently after a short stay; (3) Supported Rehabilitative Residence MHCRFs (formerly known as contracted CRFs), which provide clinical support services in addition to the twenty-four hour care and staffing; and (4) Intensive Residence MHCRFs, which have the capacity to provide some nursing services in addition to the other required services to assist those with medical needs as well as mental illness. The Department determines the level of care that each individual needs and authorizes admission to the appropriate level of MHCRF. These MHCRFs play a critical role in caring for residents with serious mental illness and helping them live in the least restrictive community environment. The availability of this resource is also important in providing community living arrangements for those individuals leaving nursing homes and psychiatric hospitalizations.

The Department recently completed a rate review to determine the appropriate per diem reimbursement rates for each level of MHCRFs. These per diem rates were set to ensure the MHCRF providers could provide the necessary support in accordance with the level of care



determination issued by the Department, and also ensured that Department resources were appropriately utilized in order to ensure that these MHCRFs can continue to provide the necessary care without any disruption in services due to the change in rates and renewal of contracts. Without this rate increase, the Department will likely lose MHCRF providers, further exacerbating the challenge of providing a supportive environment for individuals with mental health disorders to transition from high acuity care settings into the community. The Department has determined that an emergency rulemaking is necessary to provide immediate financial support to its MHCRF network to preserve the health, welfare, and safety of those residents with serious mental illness.

The emergency rule increases the locally-funded per diem to be paid to all MHCRFs licensed by the Department in accordance with their level of licensure (Transitional Supported Residence (TSR), Supported Residence (SR), Supported Rehabilitative Residence (SRR), and Intensive Residence (IR)). To be eligible for the per diem, an MHCRF shall be required to enter into a contract with the Department. The per diem will be paid per resident and billed to the Department. The per diem is subject to availability of funds.

The Director, Department of Behavioral Health, adopted the emergency rulemaking on October 1, 2019 and it became effective on that date. The emergency rules shall remain in effect for 120 days, pursuant to D.C. Official Code § 2-505(c) (2018 Repl.), expiring January 24, 2020, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

**Chapter 57, MENTAL HEALTH COMMUNITY RESIDENCE FACILITY PER DIEM, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:**

**Section 5701, REIMBURSEMENT RATE, is deleted in its entirety, and a new Section 5701 is inserted in its place to read as follows:**

**5701 REIMBURSEMENT RATE**

5701.1 The MHCRF Per Diem rates effective October 1, 2019, are as set forth below:

SERVICE	CODE	RATE	UNIT
Transitional Supported Residence MHCRF Per Diem	TSR01	\$68.56	Daily
Supported Residence MHCRF Per Diem	SR01	\$65.37	Daily
Supported Rehabilitative Residence MHCRF Per Diem	SRR01	\$106.15	Daily
Supported Rehabilitative Residence MHCRF Per Diem – Hearing Impaired	SRR02	\$130.09	Daily

Intensive Residence MHCRF Per Diem	IR01	\$163.67	Daily
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Comments on these rules should be submitted in writing to Sheila Kelly, Director of Licensure, Department of Behavioral Health, Government of the District of Columbia, 64 New York Ave, N.E., Third Floor, Washington D.C. 20002, via [Sheila.kelly@dc.gov](mailto:Sheila.kelly@dc.gov) or telephone at (202) 673-3516, or via email at [DBHpubliccomments@dc.gov](mailto:DBHpubliccomments@dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-005  
January 24, 2020

**SUBJECT:** Appointments — Violence Fatality Review Committee


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 3042 of the Fatality Review Committee Amendment Act of 2018, effective October 30, 2018, D.C. Law 22-168; D.C. Official Code § 5-1431.01 (2019 Repl.), and 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 (2016 Repl. and 2019 Supp.), it is hereby **ORDERED** that:

1. **ARI DAVIS**, pursuant to the Violence Fatality Review Committee Ari Davis Confirmation Resolution of 2019, effective October 12, 2019, Resolution 23-0390, is appointed as a community member who is not a District government employee member of the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.
2. **DANNIELLE HAMILTON**, pursuant to the Violence Fatality Review Committee Dannielle Hamilton Confirmation Resolution of 2019, effective October 12, 2019, Resolution 23-0389, is appointed as a community member who is not a District government employee member of the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.
3. **HELAINA ROISMAN**, pursuant to the Violence Fatality Review Committee Helaina Roisman Confirmation Resolution of 2019, effective October 12, 2019, Resolution 23-0387, is appointed as a representative from a hospital located in the District member of the Violence Fatality Review Committee, for a term to end three years from the date of confirmation.

4. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to the effective date of confirmation.

  
MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2020-006  
January 24, 2020

**SUBJECT:** Delegation - Authority - Individual Insurance Market Affordability and Stability Fund


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204-22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of Health Care Finance is delegated the authority vested in the Mayor by D.C. Official Code § 47-5107, to administer the Individual Insurance Market Affordability and Stability Fund.
2. The Director of the Department of Health Care Finance may further delegate any of the authority delegated to him or her under this Order to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-007  
January 27, 2020

**SUBJECT:** Reappointments — Commission on Climate Change and Resiliency

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 3 of the Commission on Climate Change and Resiliency Establishment Act of 2016, effective February 18, 2017, D.C. Law 21-185, D.C. Official Code § 8-181.02 (2019 Supp.), it is hereby **ORDERED** that:

1. The following persons are reappointed as voting members with demonstrable expertise in environmental science of the Commission on Climate Change and Resiliency, for terms to end May 25, 2022:
  - a. **Maureen Holman**; and
  - b. **Jason E. Turner**.
2. **Peggy Keller** is reappointed as a voting member with demonstrable expertise in public health of the Commission on Climate Change and Resiliency, for a term to end May 25, 2022.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
 MURIEL BOWSER  
 MAYOR

ATTEST:   
 \_\_\_\_\_  
 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, FEBRUARY 5, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: James Short, Bobby Cato, Rema Wahabzadah, Rafi A. Crockett

**Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00153;** Club Cinema of Mazza, Inc., t/a Club Cinema, 5300 Wisconsin Ave NW, License #60040, Retailer CT, ANC 3E  
**Petition to Amend or Terminate the Settlement Agreement**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00166;** Highland Community Entertainment Hall, LLC, t/a Highland Community Entertainment Hall, 2533 Pennsylvania Ave SE, License #115394, Retailer CT, ANC 7B  
**Application for a New License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00122;** Kelemewa Corporation, t/a Pure Nightclub & Lounge 1326 U Street NW, License #24613, Retailer CN, ANC 1B  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00126;** Wet Dog, LLC, t/a Wet Dog Tavern, 2100 Vermont Ave NW, License #96176, Retailer CT, ANC 1B  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00127;** FD, LLC, t/a Unity, 1936 9th Street NW, License #109064, Retailer CT, ANC 1B  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
**Case # 19-PRO-00128;** FD, LLC, t/a Takoda, 715 Florida Ave NW, License #96823, Retailer CT, ANC 1B  
**Application to Renew the License**

Board's Calendar  
February 5, 2020

- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-251-00107;** Family's Corporation, t/a My Canton Restaurant, 1772 Columbia Road NW, License #75479, Retailer CR, ANC 1C  
**Interfered with an Investigation**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CMP-00057;** Hiwot Ethiopian Restaurant & Market, LLC, t/a Hiwot Ethiopian Restaurant and Market, 5333 Georgia Ave NW, License #100297  
Retailer CR, ANC 4D  
**Exceeded Capacity, Failed to Keep Kitchen Facilities Open Until Two Hours Before Closing, Substantial Change Without Board Approval, Provided Entertainment Without an Entertainment Endorsement, Offered Dancing Without an Endorsement, Trade Name Change Without Board Approval**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CMP-00025;** Madaket, LLC, t/a Surfside, 2444 Wisconsin Ave NW  
License #78406, Retailer CR, ANC 3B  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-AUD-00084;** Café Europa, LLC, t/a LeDesales, 1725 De Sales Street NW, License #60754, Retailer CR, ANC 2B  
**Failed to File Quarterly Statement**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-AUD-00079;** 5534 Connecticut, LLC, t/a Capital Crab & Seafood  
5534 Connecticut Ave NW, License #106151, Retailer CR, ANC 3G  
**Failed to File Quarterly Statement**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 19-CMP-00017;** Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A  
**Operating After Hours**
- Fact Finding Hearing\*** **10:00 AM**  
Atlas Half Street, LLC, t/a Atlas Brew Works, 1201 Half Street SE, License #116137 and 116079, Retailer Manufacturer A (Winery) and Manufacturer B (Brewery), ANC 6D  
**Review of Business Plan to Co-Locate a Class A and a Class B Manufacturer**



Board's Calendar

February 5, 2020

**Fact Finding Hearing\*** **10:30 AM**

**Case # 19-251-00148;** Shreeder, LLC, t/a Abigail Room, 1730 M Street NW

License #107468, Retailer CN, ANC 2B

**Simple Assault, Interfered with an Investigation, Failed to Follow Security Plan, Failed to Preserve a Crime Scene**

**Show Cause Hearing\*** **11:00 AM**

**Case # 19-CC-00116;** Good Food Market, LLC, t/a Good Food Markets, 2006

Rhode Island Ave NE, License #98178, Retailer B, ANC 5C

**Sale to Minor Violation, No ABC Manager on Duty**

**BOARD RECESS AT 12:00 PM**

**ADMINISTRATIVE AGENDA**

**1:00 PM**

**Show Cause Hearing\*** **1:30 PM**

**Case # 19-CIT-00588;** A & H Market, LLC, t/a MLK Mini Market, 3333

Martin Luther King, Jr Ave SE, License #113398, Retailer B, ANC 8C

**No ABC Manager on Duty**

**Fact Finding Hearing\*** **2:30 PM**

Lamont Hawkins

**Manager's Application**

**Fact Finding Hearing\*** **3:00 PM**

**Case # 19-251-00138;** 2007 14th Street Productions, LLC, t/a Marvin, 2007

14th Street NW, License #76166, Retailer CT, ANC 1B

**Disorderly Conduct, Failed to Follow Security Plan**

**Show Cause Hearing\*** **3:30 PM**

**Case # 19-AUD-00031;** Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's

Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A

**Failed to Meet Food Sales Requirements**

**Fact Finding Hearing\*** **4:30 PM**

**Case # 19-251-00136;** Jam Ventures, LLC, t/a Opera Ultra Lounge, 1400 I

Street NW, License #84711, Retailer CN, ANC 2C

**Patron was Carrying a Concealed Weapon Inside of the Establishment**

Board's Calendar

February 5, 2020

*\*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).*

*\*This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).*

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA

WEDNESDAY, FEBRUARY 5, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be cancelling the following licenses for the reasons outlined below:

ABRA-100950 – **Bodega** – Retail – B – Grocery – 2409 Franklin Street NE  
[Licensee requested cancellation.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY FEBRUARY 5, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, February 5, 2020 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.” “This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).”

1. Case# 20-CMP-00011, Martha’s Market, 2400 Minnesota Avenue S.E., Retailer B, License # ABRA-105036

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2. Case# 20-CMP-00002, Gold Coast Café & Mart, 5501 Colorado Avenue N.W., Retailer B, License # ABRA-098589

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3. Case# 19-AUD-00121, Matchbox, 521 8<sup>th</sup> Street S.E., Retailer CR, License # ABRA-079276

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4. Case# 20-CC-00003, Yard House Restaurant, 812 7<sup>th</sup> Street N.W., Retailer CR, License # ABRA-105091

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5. Case# 19-CMP-00219, Felicity Lounge, 707 H Street N.E., Retailer CR, License # ABRA-112502

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6. Case# 20-AUD-00001, Chiko, 423 8<sup>th</sup> Street S.E., retailer CR, License # ABRA-106496

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7. Case# 20-AUD-00002, Catrachitos Restaurant, 4608 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-095465

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8. Case# 20-AUD-00003, Sfoglina Downtown, 1099 New York Avenue N.W., Retailer CR,  
License # ABRA

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9. Case# 20-AUD-00004, El Chalan, 1922-1924 I Street N.W., Retailer CR, License # ABRA-  
006251

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, FEBRUARY 5, 2020 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Retailer C Restaurant to Retailer D Restaurant. ANC 2E. SMD 2E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *OKI & Georgetown*, 1068 Wisconsin Avenue NW, Retailer CR, License No. 107067.
- 

2. Review Application for a Game of Skill substantial change. The electronic game of skill that will be provided has not yet been determined. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Cloud Restaurant & Lounge Sports Bar*, 1919 9<sup>th</sup> Street NW, Retailer CT, License No. 093572.
- 

3. Review Request to Renew Storage Facility Permit originally issued March 13, 2012 and most recently renewed on February 13, 2019, for a facility located at 4221 Connecticut Avenue NW, Suite E. ANC 3F. SMD 3F02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Domaine DC, LLC*, 4221 Connecticut Avenue NW, Suite E, Storage Facility Permittee.
- 

4. Review request for approval to provide a gift of Valentine's Day macaroons that does not exceed \$500 in value to various licensed DC Retailers. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Breakthru Beverage*, 2800 V Street NE, Wholesaler A, License No. 060518.
- 

**\*In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov).**

**CENTER CITY PUBLIC CHARTER SCHOOLS**  
**NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT**

Center City Public Charter Schools intends to award a Sole Source Contract to Apple for the following:

**Macintosh Computers**

To obtain copies of full NOIs, please visit our website: [www.centercitypcs.org/contact/requests-for-proposal](http://www.centercitypcs.org/contact/requests-for-proposal). The full NOIs contain justification for the award.

**Contact Person**

Scott Burns  
sburns@centercitypcs.org

**CENTER CITY PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Cisco/Meraki Network Equipment**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

To obtain copies of full RFPs, please visit our website: [www.centercitypcs.org/contact/request-for-proposal](http://www.centercitypcs.org/contact/request-for-proposal). The full RFPs contain guidelines for submission, applicable qualifications, and deadlines.

**Contact Person**

Scott Burns  
sburns@centercitypcs.org



## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

RE:

Address:	Square:	Lot:
3614 Morrison Street, NW	1994	0017

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2016**, for the following reasons:

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

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

DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2.

To learn more about the Vacant Buildings registration process or inspection requirements, please call (202) 442-4332 or visit [www.dcr.dc.gov](http://www.dcr.dc.gov).

If you have questions regarding this decision please contact Theresa Hollins, Program Support Specialist at (202) 442-4377.

Sincerely,

Donald Sullivan  
Program Manager  
Vacant Building Enforcement

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

## NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

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If you have questions regarding this decision please contact Theresa Hollins), Program Support Specialist at (202) 442-4377.

Sincerely,

Donald Sullivan  
Program Manager  
Vacant Building Enforcement

**DC INTERNATIONAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS (RFP)****Green Custodial Supplies**

**RFP Green Custodial Supplies:** DCI invites written proposals from qualified vendors to supply green janitorial supplies: (Tri fold paper towels, multipurpose cleaning spray, hand soap, toilet paper, trash bags, can liners, sanitary bags, sponges). Please email [rfp@dcinternationalschool.org](mailto:rfp@dcinternationalschool.org) with your vendor information and price list. Proposals are due no later than 5PM on Friday, January 31, 2020. No phone calls, please.

**DC SCHOLARS PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Staffing Partnership – Alumni Matching**

DC Scholars Public Charter School (DCSPCS) intends to enter into a sole source contract with Teach for America for contracted alumni matching services in February 2020. DC Scholars Public Charter School anticipates that the service agreement may exceed \$25,000.00 during its fiscal year 2020.

The decision to sole source is due to the fact that Teach for America provides high-quality recruiting, selecting, training, and ongoing professional development to individuals who serve as classroom teachers. Teach for America also provides recruiting of high-quality alumni committed to serve as classroom teachers, non-instructional roles, and school leaders. DC Scholars PCS will partner with Teach for America to identify high-quality alumni as candidates for classroom teacher roles at DC Scholars PCS in SY 20-21.

The Sole Source Contract will be awarded at the close of business on February 10, 2020, pending successful contract negotiation. If you have questions or concerns regarding this notice, contact **Emily Stone** at [estone@dcscholars.org](mailto:estone@dcscholars.org) no later than **5:00 pm on February 10, 2020**.

**E.L. HAYNES PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Instruction Partners**

E.L. Haynes is in its fifteenth year of operation and recently underwent a strategic planning process between April 2019 and November 2019 to review its program effectiveness and to guide the key initiatives the school must implement over the next five years to achieve its goals. The strategic planning process surfaced a specific need for more coherence across academic systems. Specifically, a need to identify a partner to conduct a curriculum audit and support E.L. Haynes to establish a common academic vision that will facilitate alignment of its PK-12 academic program.

Following a detailed market analysis of the available firms with expertise in this area, it was clear that only one provider, Instruction Partners, has the qualifications and experiences to support this specific next step during spring 2020.

If you have questions or concerns regarding this notice, please contact our Procurement Officer:

Kristin Yochum  
E.L. Haynes Public Charter School  
[kyochum@elhaynes.org](mailto:kyochum@elhaynes.org)

## DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS

## UPDATED FISCAL YEAR 2020 MONTHLY MEETING SCHEDULE

Due to scheduling conflicts, the previously scheduled February 25, 2020 and August 11, 2020 Board meetings are cancelled. This notice outlines the updated schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. The meetings are held at 955 L'Enfant Plaza, Suite 2500, SW, Washington, D.C. A copy of the agenda for each meeting will be posted on the agency's website and the lobby of the Office of Employee Appeals. For further information, please contact the front desk at 202.727.0004. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Tuesday, October 22, 2019	11:00 AM	Conference Room
Tuesday, December 3, 2019	11:00 AM	Conference Room
Tuesday, January 14, 2020	11:00 AM	Conference Room
Tuesday, February 25, 2020	11:00 AM	Conference Room (Cancelled)
Tuesday, April 7, 2020	11:00 AM	Conference Room
Tuesday, May 19, 2020	11:00 AM	Conference Room
Tuesday, June 30, 2020	11:00 AM	Conference Room
Tuesday, August 11, 2020	11:00 AM	Conference Room (Cancelled)

**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**Pathways to DC Building Energy Performance Standards Compliance**

The Department of Energy and Environment (the Department) seeks eligible entities to generate and communicate study results regarding the District's Building Energy Performance Standard Program (BEPS) to District residents and building owners.

The Clean Energy Omnibus Act of 2018 (CEDC Act) mandates that DOEE engage an independent third party to conduct a comprehensive study to help District residents and building owners better understand the potential for cost impacts and benefits of the BEPS Program. (D.C. Official Code § 34-1436 (c)(1)(G)) The Act also mandates that the specifications of the study receive input from the Mayor-appointed BEPS Task Force, established pursuant to Section 302 of the CEDC Act.

The amount available for the project is up to \$150,000.

Beginning 1/31/2020, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [BEPSCostBenefitStudy.grants@dc.gov](mailto:BEPSCostBenefitStudy.grants@dc.gov) with "Request copy of RFA 2020-2009-EA" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Andrew Held at (202) 727-8950 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Andrew Held RE:2020-2009-EA" on the outside of the envelope.

An information meeting/conference call and opportunity for questions and answers will be held: 2/7/2020 from 2:30 to 4:30 PM. You can call into the session or attend in person. To call in the number is 877-730-3868, and the participant code is 7706597. The address, to attend in person, is 1200 First Street NE, 5<sup>th</sup> floor, Washington DC, 20002.

**The deadline for application submissions is 3/2/2020, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [BEPSCostBenefitStudy.grants@dc.gov](mailto:BEPSCostBenefitStudy.grants@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to:  
BEPSCostBenefitStudy.grants@dc.gov.



**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
January 29, 2020

On JANUARY 29, 2020 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Chiropractic (“Board”) hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board’s regular meetings shall now be conducted on the second Tuesday of every other month starting on March 10, 2020. The meetings will held from 1:30 PM to 3:30 PM and will be open to the public from 1:30 PM until 2:30PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b), the meetings will be closed from 2:30 PM until 3:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The schedule of the Board’s meetings during the next twelve-month period will be as follows:

March 10, 2020  
May 12, 2020  
July 14, 2020  
September 8, 2020  
November 10, 2020  
January 12, 2021  
March 9, 2021

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Massage Therapy (“Board”) hereby gives notice of its regular meetings for the calendar year 2020, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

In 2020, the Board will continue to hold its regular meetings on a bi-monthly basis on the third Thursday every other month, starting in January, from 3:30 PM to 5:30 PM. The meeting will be open to the public from 3:30 PM until 4:00 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 4:30 PM to 5:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The Board’s meeting in March 2020 will be changed to Wednesday, March 18, 2020 due to the need to hold a hearing in the matter of Reginald Johnson, LMT, License No. MT2033, starting at 10:00 AM. The meeting will be open to the public until after the conclusion of the hearing and all open session businesses. It is expected that the meeting will be closed for executive session from 2:00 PM to 4:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The subsequent meetings will be held on the following dates:

May 21, 2020  
July 16, 2020  
September 17, 2020  
November 19, 2020

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Optometry (“Board”) hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board’s regular meetings shall now be conducted on the third Thursday of each quarter starting on April 30, 2020. The meetings will held from 9:30 AM to 11:30 AM and will be open to the public from 9:30 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b), the meetings will be closed from 10:30 AM until 11:30 AM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The schedule of the Board’s meetings during the next twelve-month period will be as follows:

April 30, 2020  
July 16, 2020  
October 15, 2020  
January 21, 2021  
April 15, 2021

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Podiatry (“Board”) hereby gives notice of its regular meeting schedule pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) (“Act”).

The Board’s regular meetings shall now be conducted on the first Wednesday of each quarter starting on April 1, 2020. The meetings will held from 1:30 PM to 3:30 PM and will be open to the public from 1:30 PM until 2:30PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b), the meetings will be closed from 2:30 PM until 3:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations. The schedule of the Board’s meetings during the next twenty four-month period will be as follows:

April 1, 2020  
July 15, 2020  
October 7, 2020  
January 6, 2021  
April 7, 2021

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Psychology (“Board”) hereby gives notice of its regular meetings for the calendar year 2020, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

In 2020, the Board will change the frequency of its regular meetings from quarterly to bi-monthly, on the second Tuesday every other month starting in January. The meetings will be held from 2:30 PM to 5:30 PM and will be open to the public from 2:30 PM until 3:00 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 3:00 PM to 5:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The subsequent meetings will be held on the following dates:

March 10, 2020  
May 12, 2020  
July 14, 2020  
September 8, 2020  
November 10, 2020

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Veterinary Medicine (“Board”) hereby gives notice of its regular meetings for the calendar year 2020, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

In 2020, the Board will continue to hold its regular meetings on a monthly basis on the third Thursday of each month from 9:30 AM to 12:30 PM. The meeting will be open to the public from 9:30 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:30 AM to 12:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meetings will be held on the following dates:

February 20, 2020

March 26, 2020 (date changed due to schedule conflict)

April 23, 2020 (date changed due to Emancipation Day holiday on April 16, 2020)

May 21, 2020

June 18, 2020

July 16, 2020

August 20, 2020

September 17, 2020

October 15, 2020

November 19, 2020

(December cancelled)

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

**DEPARTMENT OF HEALTH (DC HEALTH)  
COMMUNITY HEALTH ADMINISTRATION (CHA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA#: CHA-TCLS-02.14.2020**

**Tobacco Cessation & Lung Cancer Screening Health Systems Change**

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

**General Information:**

Funding Opportunity Title:	Tobacco Cessation & Lung Cancer Screening Health Systems Change
Funding Opportunity #:	FO-CHA-PG-00179-005
Program RFA ID#:	CHA-TCLS-02.14.2020
Opportunity Category:	Competitive
DOH Administrative Unit:	Community Health Administration
DOH Program Bureau	Cancer and Chronic Disease Prevention Bureau
Program Contact:	Carrie Dahlquist 202.442.9176 <a href="mailto:carrie.dahlquist@dc.gov">carrie.dahlquist@dc.gov</a>
Program Description:	Funding under this RFA will support the integration of evidence-based tobacco dependence assessment and treatment and lung cancer screening into the continuum of care. Applicants must demonstrate how their proposed strategies will change healthcare systems processes, leading to a seamless, integrated, and sustainable approach to addressing tobacco use dependence and improving lung cancer screening rates.
Eligible Applicants	Hospitals, health centers, federally qualified health centers (FQHCs) and private practices serving residents of the District of Columbia, with priority to those serving residents in Wards 5, 7 and 8.
Anticipated # of Awards:	1-2
Anticipated Amount Available:	Up to \$300,000
Floor Award Amount:	\$100,000
Ceiling Award Amount:	\$150,000

**(1) Funding Authorization**

Legislative Authorization	FY 20 Budget Support Act of 2019
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Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required?	No
RFA Release Date:	<b>February 14, 2020</b>
Pre-Application Meeting (Date)	<b>February 19, 2020</b>
Pre-Application Meeting (Time)	1:00pm- 2:30pm
Pre-Application Meeting Location	899 N. Capitol St. NE Third Floor, #306 Washington, DC 20002
WebEx Access	To register go to: <a href="https://dcnet.webex.com/dcnet/j.php?MTID=m2fa92c0bf3bbe1d2a3d1986d71811cdc">https://dcnet.webex.com/dcnet/j.php?MTID=m2fa92c0bf3bbe1d2a3d1986d71811cdc</a> Meeting Number: 851 429 139 Password: 1234
Phone Access	1.651.479.3208 Access Code: 851 429 139
Letter of Intent Due date:	Not applicable
Application Deadline Date:	<b>March 17, 2020</b>
Application Deadline Time:	6:00 pm
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> DC Health EGMS <a href="https://dcdoh.force.com/GO_ApplicantLogin2">https://dcdoh.force.com/GO_ApplicantLogin2</a>

## Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance

**DEPARTMENT OF HEALTH (DC HEALTH)  
HIV/AIDS, HEPATITIS, STD and TB ADMINISTRATION (HAHSTA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA# IHRP 02.14.20**

**Engaging and Empowering Communities by Building Capacity to  
Implement Harm Reduction Programs**

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

**General Information:**

Funding Opportunity Title:	Engaging and Empowering Communities by Building Capacity to Implement Harm Reduction Programs
Funding Opportunity Number:	FO-HAHSTA-PG-00003-003
Program RFA ID#:	RFA # IHRP 02.14.20
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration
DC Health Program Bureau	Prevention and Intervention Services Bureau
Program Contact:	Jonjelyn Gamble, Program Manager (202)671-5060 <a href="mailto:Jonjelyn.Gamble@dc.gov">Jonjelyn.Gamble@dc.gov</a>
Program Description:	DC Health will fund a three-year capacity building initiative to support small community-based organizations and other non-profits interested in developing and sustaining successful harm reduction and opioid overdose reduction program models that address the needs of persons who use and/or inject drugs. Through this harm reduction capacity-building funding opportunity, DC Health will fund three areas: <ul style="list-style-type: none"> <li>• Technical Assistance/ Capacity-Building Provider</li> <li>• Mini-Grants to support recipients of Capacity-Building</li> <li>• Peer-Led Harm Reduction Coalition</li> </ul>
Eligible Applicants	501(c) (3) Not- for profit organizations located and licensed to conduct business in the District of Columbia. Applicants may be individual organizations or a partnership/collaboration of multiple organizations, one of which must serve as the fiscal agent or the organization that will take overall responsibility of the fiscal and grant-related requirements.

Anticipated # of Awards:	Up to 10
Anticipated Amount Available:	\$600,000.00
Floor Award Amount:	\$30,000.00
Ceiling Award Amount:	\$150,000.00

**Funding Authorization**

Legislative Authorization	Section 311(c)(1) of the PHS Act (42 USC § 243(c)(1))
Associated CFDA#	93.136
Associated Federal Award ID#	1NU17CE925008
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, February 14, 2020
Pre-Application Meeting (Date)	Tuesday, February 18, 2020
Pre-Application Meeting (Time)	10:30pm-12:00pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE 4 <sup>th</sup> Floor Washington, DC 20002
Letter of Intent Due date:	Not applicable
Application Deadline Date:	Friday, March 13, 2020
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> . DC Health EGMS <a href="https://dcdoh.force.com/GO__ApplicantLogin2">https://dcdoh.force.com/GO__ApplicantLogin2</a>

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

**Wednesday, January 15, 2020**, the Board will not have a regularly scheduled Board meeting.

**Wednesday, February 19, 2020**, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. During the open session, the Board will conduct a disciplinary action hearing in the matter of Kianoush Alem, DDS, at 10:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case, and to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

**Wednesday, March 18, 2020**, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at [www.doh.dc.gov](http://www.doh.dc.gov).

**HISTORIC PRESERVATION REVIEW BOARD**  
**NOTICE OF RECEIPT OF AN APPLICATION TO AMEND**  
**A HISTORIC DISTRICT DESIGNATION**

The D.C. Historic Preservation Review Board has received an application to amend the designation of the Kingman Park Historic District in the D.C. Inventory of Historic Sites and similarly amend the listing in the National Register of Historic Places.

**Case No. 20-03: Kingman Park Historic District amendment**

The amendment, submitted by the Kingman Park Civic Association, proposes to extend the historic district's boundaries to include the following addresses:

The 300 and 400 blocks of 19<sup>th</sup> Street NE, east side (i.e., odd numbers);

501-505 and 725 19<sup>th</sup> Street NE;

the 300 block of 20<sup>th</sup> Street NE, west side (i.e., even numbers);

the 400 block of 20<sup>th</sup> Street NE;

the 1900 and 2000 blocks of C Street NE, north side (i.e., even numbers);

the 1900 block of D Street NE;

the 2000 block of D Street NE, north side (i.e., even numbers);

the 1900 and 2000 blocks of E Street NE;

1915 through 2031 Benning Road, south side (i.e., odd numbers);

and two lots in Square 4550 lacking street addresses, also presently known as:

Square 4514, Lots 31, 808, 810, 812 and 816;

Square 4515, Lots 97, 98, 101, 102, 803, 805, 809, 817, 819, 823, 825, 828 through 831, 834 and 835;

Square 4526, Lots 52 through 68;

Square 4527, Lots 20 through 33;

Square 4549, all lots;

Square 4550, Lots 77 through 99 and 800 through 805, and condos 2001 through 2008 and 2021 through 2032;

Square 4558, Lots 18 through 32; and

Square 4559, all lots.

The amendment would also change the terminal date of the historic district's period of significance from 1960 to 1968.

A copy of the historic designation application is currently on file and available on the Historic Preservation Office website at <https://planning.dc.gov/page/pending-nominations-dc-inventory>.

The application is tentatively scheduled for a hearing in April, but a notice will be mailed to all the property owners, the Advisory Neighborhood Commission, and the applicant at least 45 days before a hearing.

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.

**KINGSMAN ACADEMY PUBLIC CHARTER SCHOOL****NOTICE: FOR REQUEST FOR PROPOSAL**

Kingsman Academy Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY19.20:

- Behavioral Support Services

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **5:00 p.m. EST on Friday, February 14, 2020.**

Contact [rfp@kingsmanacademy.org](mailto:rfp@kingsmanacademy.org) for a copy of the Scope of Work. Proposal submissions should be emailed to [rfp@kingsmanacademy.org](mailto:rfp@kingsmanacademy.org). No phone calls.



**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Accounting Services**

KIPP DC is soliciting proposals from qualified vendors for Accounting Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on February 21, 2020. Questions should be addressed to [marthe.harris@kippdc.org](mailto:marthe.harris@kippdc.org).

**Payroll Services**

KIPP DC is soliciting proposals from qualified vendors for Payroll Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM ET on February 21, 2020. Questions should be addressed to [marthe.harris@kippdc.org](mailto:marthe.harris@kippdc.org).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

**FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY,**

**and**

**FORMAL CASE NO. 1155, IN THE MATTER OF THE APPLICATION OF THE POTOMAC ELECTRIC POWER COMPANY FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PROGRAM,**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final action taken on the Potomac Electric Power Company’s (“Pepco”) tariffs revisions to address “make ready” infrastructure and approved Offerings 1, 7, 8, 10, 11<sup>2</sup> filed in compliance with Order Nos. 19898 and 19983.

2. On April 12, 2019, the Commission, in Order No. 19898 approved in part and denied in part, Pepco’s September 6, 2018, Transportation Electrification Application.<sup>3</sup> On August 2, 2019, by Order No. 19983, the Commission clarified timelines tied to the filing of an updated implementation plan, and directed Pepco to include tariffs to address “make-ready” infrastructure as well as any necessary tariffs for Offerings 1, 7, 8, 10, and 11.<sup>4</sup> On October 31, 2019, Pepco filed its Implementation Plan in response to Order Nos. 19898 and 19983, indicating that the updated estimated cost for implementing the program is approximately \$4.3 million, subject to the costs for make ready work being site specific.<sup>5</sup>

3. Pepco provided proposed tariff updates for the “make-ready” infrastructure (Attachment A), and Offering 1 - Whole House Time of Use Rate (Attachments B and C).<sup>6</sup> Furthermore, Pepco noted that after reviewing Offerings 7, 8, 10, and 11 and the types of demand and load that will be used, “it recommends using existing rate schedules to provide service until

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<sup>1</sup> D.C. Code § 2-505 (2016 Repl.) and D.C. Code § 34-802 (2012 Repl.).

<sup>2</sup> *Formal Case No. 1155, In the Matter of the Application of the Potomac Electric Power Company for Approval of its Transportation Electrification Program, and Formal Case No. 1130, In the Matter of the Investigation Into Modernizing the Energy Delivery System for Increased Sustainability (“Formal Case Nos. 1155 and 1130”),* Potomac Electric Power Company’s Transportation Implementation Plan in Response to Order No. 19898, filed October 31, 2019 (“Updated Implementation Plan”).

<sup>3</sup> *Formal Case Nos. 1155 and 1130, Order No. 19898, rel. April 12, 2019.*

<sup>4</sup> *Formal Case Nos. 1155 and 1130, Order No. 19983, rel. August 2, 2019.*

<sup>5</sup> Updated Implementation Plan at 4.

<sup>6</sup> Updated Implementation Plan at 3.

further considerations with stakeholders indicate a need to otherwise modify existing or create new tariffs.”<sup>7</sup> On December 6, 2019, Pepco filed an update to its October 31, 2019, Implementation Plan indicating that Rider “NEM” should have been referenced in the proposed Schedule “R-PIV”, because it “works in concert with proposed Schedule “R-PIV” to allow Net Energy Metering customers to participate in the time of use pricing approved by the Commission.”<sup>8</sup>

4. Pepco proposed several changes to its tariffs in response to Order Nos. 19898 and 19983. The first revision focuses on the “make ready” infrastructure, the remaining tariff revisions are related to Offering 1- which includes Schedule “R-PIV,” revisions to Rider “NEM”, and Rider “PIV-Green”. Pepco stated that for Offering 1, Schedule “R-PIV” disaggregates the generation, transmission and distribution rates.<sup>9</sup>

5. To implement the approved portions of its TE Program, Pepco proposed to amend the following tariff pages:

**Rate Schedules for Electric Service in the District of Columbia,**

**P.S.C. of D.C. No. 1  
Ninth Revised Page No. 1**

**P.S.C. of D.C. No. 1  
Second Revised Page No. 32  
Superseding First Revised Page 32**

**P.S.C. of D.C. No. 1  
Eighteenth Revised Page No. R-X.X**

**P.S.C. of D.C. No. 1  
One-Hundred Third Revised Page No. R-1  
Superseding One-Hundred Second Revised Page No. R-1**

**P.S.C. of D.C. No. 1  
One-Hundred Third Revised Page No. 2  
Superseding One-Hundred Second Revised Page No. 2**

**P.S.C. of D.C. No. 1  
Ninety-Sixth Revised Page No. 2.1  
Superseding Ninety-Fifth Revised Page No. 2.1**

<sup>7</sup> Updated Implementation Plan at 4.

<sup>8</sup> *Formal Case Nos. 1155 and 1130*, Update to Potomac Electric Power Company’s Update to the Transportation Implementation Plan filed on October 31, 2019, filed December 6, 2019.

<sup>9</sup> Updated Implementation Plan at 3; Attachment C.

**P.S.C. of D.C. No. 1  
Seventy-First Revised Page No. 2.2  
Superseding Seventieth Revised Page No. 2.2**

**P.S.C. of D.C. No. 1  
Fifth Revised Page No. R-45  
Superseding Fourth Revised Page No. R-45**

**P.S.C. of D.C. No. 1  
Original Page No. R-XX**

6. On December 27, 2019, the Commission published a Notice of Proposed Tariff (“NOPT”) in the *D.C. Register* inviting public comment on Pepco’s “make-ready” infrastructure update to its General Terms and Conditions, Schedule “R-PIV,” Rider “NEM,” and Rider “PIV Green”.<sup>10</sup> No comments were filed in response to the NOPT. The Commission, at its Open Meeting on January 21, 2020, took final action approving Pepco’s “make-ready” infrastructure update to its General Terms and Conditions, Schedule “R-PIV,” Rider “NEM,” and Rider “PIV Green”, effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

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<sup>10</sup> 66 *D.C. Reg.* 016724-016726 (December 27, 2019).

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**

**PUBLIC NOTICE**

**FORMAL CASE NO. 1162, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO INCREASE EXISTING RATES AND CHARGES FOR GAS SERVICE,**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to D.C. Code § 34-901 and 34-909, that on January 13, 2020, Washington Gas Light Company (Washington Gas or Company) filed an Application requesting authority to increase existing rates and charges for natural gas service in the District of Columbia. The requested rates are designed to collect approximately \$200.4 million in total annual revenues, which represents an increase in the Company’s weather-normalized annual revenues of no more than \$35.2 million and would result in an overall increase of approximately 14.7% in revenue collection over and above that collected through current bills. This revenue increase includes \$9.1 million associated with natural gas system upgrades previously approved by the Commission and currently paid by customers through monthly surcharges.

2. The proposed changes in base rates for firm and interruptible customers’ Customer Charge and Distribution Charges are summarized below.

3. The first element of a firm or interruptible customer’s bill is the Customer Charge, and the proposed changes are as follows:

<b>Type of Customer</b>	<b>Current Monthly Customer Charge</b>	<b>Proposed Monthly Customer Charge</b>
<u>RESIDENTIAL</u>		
Heating/Cooling	\$13.10	\$16.40
Non-Heating/Non-Cooling:		
Individually Metered Apts.	\$9.50	\$9.50
Other	\$10.70	\$13.40
<u>COMMERCIAL &amp; INDUSTRIAL</u>		
Heating/Cooling:		
Small	\$22.70	\$28.40
Large	\$55.80	\$69.80
Non-Heating/Non-Cooling	\$22.70	\$28.40
<u>GROUP METERED APARTMENTS</u>		
Heating/Cooling:		
Small	\$22.70	\$28.40
Large	\$55.80	\$69.80
Non-Heating/Non-Cooling	\$22.70	\$28.40

INTERRUPTIBLE

All Customers	\$100.00	\$125.00
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COMBINED HEAT AND POWER/DISTRIBUTED GENERATION FACILITIES

All Customers	\$250.00	\$312.50
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4. The second element of a firm or interruptible customer’s bill is the Distribution Charge per therm. The current and proposed basic per therm charges are:

<b>Type of Customer</b>	<b>Current Distribution Charge Per Therm</b>	<b>Proposed Distribution Charge Per Therm</b>
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RESIDENTIAL

All gas used during the billing month

Heating/Cooling	\$0.3678	\$0.5296
Non-Heating/Non-Cooling	\$0.3663	\$0.6442

COMMERCIAL & INDUSTRIAL

All gas used during the billing month

Heating/Cooling:

Small	\$0.3459	\$0.4927
Large	\$0.3511	\$0.4383
Non-Heating/Non-Cooling	\$0.3498	\$0.4369

GROUP METERED APARTMENTS

Heating/Cooling:

Small	\$0.3517	\$0.4361
Large	\$0.3558	\$0.4438
Non-Heating/Non-Cooling	\$0.3528	\$0.4404

INTERRUPTIBLE

First 75,000 therms	\$0.1601	\$0.1901
Over 75,000 therms	\$0.1465	\$0.1765

COMBINED HEAT AND POWER/DISTRIBUTED GENERATION FACILITIES

All therms	\$0.08	\$0.08
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5. The third element of a non-residential firm customer’s bill is the Peak Usage Charge. The current and proposed charges are:

<b>Type of Customer</b>	<b>Present</b>	<b>Proposed</b>
-------------------------	----------------	-----------------

COMMERCIAL & INDUSTRIAL

Rate per therm of peak month usage from prior year	\$0.0308	\$0.0389
--	----------	----------

GROUP METERED APARTMENTS

Rate per therm of peak month usage from prior year	\$0.0308	\$0.0389
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COMBINED HEAT AND POWER/DISTRIBUTED GENERATION FACILITIES

Rate per therm of peak month usage from prior year	\$0.07	\$0.07
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6. If granted in full, the average monthly effects of the proposed increase on the average sales service customer will be:

<b>Type of Customer</b>	<b>Annual Therm Usage</b>	<b>Average Monthly Increase</b>	<b>% Increase</b>
<u>RESIDENTIAL</u>			
Heating/Cooling	709	\$ 12.86	16.7%
Non-Heating/Non-Cooling:			
Individually Metered Apts.	63	\$ 1.46	9.6%
Other	466	\$ 13.50	25.6%

COMMERCIAL & INDUSTRIAL

Heating/Cooling:			
Small	1,467	\$ 24.78	15.7%
Large	18,498	\$ 168.92	9.7%
Non-Heating/Non-Cooling	5,210	\$ 46.01	9.3%

GROUP METERED APARTMENTS

Heating/Cooling:			
Small	1,360	\$ 16.17	11.0%
Large	16,706	\$ 154.35	9.7%
Non-Heating/Non-Cooling	4,794	\$ 43.28	9.4%

7. In its Application, the Company is proposing a Revenue Normalization Adjustment (RNA) in its proposed rate structure that will benefit customers and the Company. The proposed RNA would reduce fluctuations in customers' bills resulting from extreme weather patterns. Washington Gas operates with similar normalization adjustments in its Maryland and Virginia service territories.

8. Washington Gas's Application is available for inspection at the Public Service Commission's Office of the Commission Secretary, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the Application can be purchased at the Commission at a cost of \$0.15 per page, actual reproduction cost. Washington Gas's Application can be viewed on the Commission's website at [www.dcpsc.org](http://www.dcpsc.org). Washington Gas's Application may also be inspected at the following public libraries:

Ward	Name and Address
Main	Martin Luther King Memorial Library 901 G Street, NW
Ward 1	Mount Pleasant Library 3160 16th Street, NW
Ward 2	Southwest Library 425 M Street, SW
Ward 3	Cleveland Park Library 3310 Connecticut Avenue, NW
Ward 4	Petworth Library 4200 Kansas Avenue, NW
Ward 5	Woodridge Library 1801 Hamlin Street, NE
Ward 6	Southeast Library 403 7 <sup>th</sup> Street, SE
Ward 7	Capitol View Library 5001 Central Avenue, SE
Ward 8	Washington-Highlands Library 115 Atlantic Street, SW

9. Any person desiring to intervene in the proceeding shall file a petition to intervene with the Commission no later than February 7, 2020. All petitions to intervene shall conform to the requirements of the Commission's Rules of Practice and Procedure as set forth in Chapter 1, Section 106 of Title 15 of the District of Columbia Municipal Regulations (15 DCMR § 106, *et seq.* (1998)). Any objections to petitions to intervene shall be filed by February 14, 2020. All written comments should be sent 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.

10. The Commission will hold a Status Conference on the Application at 10:00 a.m., on March 3, 2020, at 1325 G Street, N.W., Suite 800, Washington, D.C. 20005. At the Status Conference, parties shall be prepared to discuss proposed issues and procedural schedules. The Commission encourages parties to submit a joint proposed list of issues and a joint proposed procedural schedule. If the parties are unable to develop joint submissions, parties must make individual filings. The list of issues and order of procedure must be submitted by February 26, 2020.



**DISTRICT OF COLUMBIA RETIREMENT BOARD****NOTICE OF PUBLIC INTEREST****CERTIFICATION OF WINNER OF THE ELECTION TO SERVE AS  
THE RETIRED FIREFIGHTER MEMBER REPRESENTATIVE OF THE BOARD**

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its active member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2) (2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager Election-America, conducted an election for a representative of District of Columbia Retired Firefighters to serve on the Board.

The ballots were counted on Friday, December 13, 2019, at 1775 Eye Street NW, Suite 1150, Washington, D.C., by Election-America under the supervision of Board representatives.

Election-America submitted the Certification of Results to the Board on December 19, 2019. Pursuant to the Election Rules at 7 *DCMR* § 1522, the Board hereby certifies the results of the election and declares the winner to be Thomas Tippet a retired District of Columbia firefighter.

Pursuant to the Election Rules at 7 *DCMR* § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed at the Board’s executive office located at 900 7th Street, N.W., 2nd Floor, Washington, D.C. 20001. In the absence of a request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director  
D.C. Retirement Board  
900 7th Street, N.W., 2nd Floor  
Washington, D.C. 20001

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 31, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public

Effective: March 1, 2020

Page 2 of 8

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Acheampong	Frank	Fannie Mae 1100 15th Street, NW	20005
Aefsky	Brandon M.	Edmund J. Flynn Company 5100 Wisconsin Avenue, NW, Suite #514	20016
Ashraf	Mariia	Pie Insurance Services, Inc. 1615 L Street, NW, Suite 620	20036
Bambeck	Lydia Elizabeth	Optum 655 New York Avenue, NW	20001
Barie	Leigh Elle	Rise Companies Corporation 11 Dupont Circle, NW, 9th Floor	20036
Barry	Ashley Elizabeth	Beacon Global Strategies 800 17th Street, NW, Suite 600	20006
Basanta	Tarita	Self 2300 Skyland Terrace, SE	20020
Batzanian	Marena	Consigli Construction Co., Inc. 1250 H Street, NW, Suite 975	20005
Baylor -Love	Michelle	ANSI 1899 L Street, NW	20036
Binder	Bradley Andrew	Self (Dual) 875 10th Street, NW, #603	20001
Brown	Johnika Naomi	Prime Settlement 641 S Street, NW	20001
Burford	Lisa C.	LCB Consulting, LLC 611 Pennsylvania Avenue, SE, #114	20003
Burns	Thomas Joseph	Bank of America 5201 Wisconsin Avenue, NW	20015
Campbell	Cynthia Laverne	Hines 1301 K Street, NW, Suite 1180	20005

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: March 1, 2020  
Page 3 of 8

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Canlas Jr	Eduardo T.	Police Federal Credit Union 300 Indiana Avenue, NW, Suite 4067	20001
Claiborne	Taylor	Center for American Progress 1333 H Street, NW, Floor 10	20005
Cooper	Citlaly B.	JP Morgan Chase 3140 M Street, NW	20007
Covas	Corina	JP Morgan Chase Bank, N.A. 3140 M Street, NW	20007
Cox	Daphne	Lincoln Property Company 910 17th Street, NW	20006
Crump	Nina Alicia	Holland & Knight LLP 800 17th Street, NW	20006
Cullimore	Julia Rowe	M&R Strategic Services, Inc. 1101 Connecticut Avenue, NW, 7th Floor	20036
Dawson	Lu Anne	Alderson Court Reporting 1111 14th Street, NW, Suite 1050	20005
Deus Jr	Richard A.	SecondStar, LLC 929 Florida Avenue, NW, #8006	20001
Douthit	Maya	McKenzie Costruction 16 Florida Avenue, NE	20002
Ellis	Gregory	Department of Insurance, Securities and Banking 1050 First Street, NE	20002
Ferrett	Charles B.	Incorporating Services, Ltd. 1100 H Street, NW, Suite 840	20005
Galeas	Jocelyn Ivette	Brody Kling, PLLC 4301 Connecticut Avenue, NW, Suite 432	20008
Gashaw	Feven T.	Bank Of America 915 Rhode Island Avenue, NE	20018

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: March 1, 2020  
Page 4 of 8

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Gornick	Mary	Two Rivers Public Charter School 1227 4th Street, NE	20002
Greene	Jeannay M.	The National Association of Letter Carriers 100 Indiana Avenue, NW	20001
Greenlee	Karrington Alexandria	Allied Title & Escrow  1100 Vermont Avenue, NW, Suite 500	20005
Haire	Regina	Self 1262 Talbert Street, SE, #23B	20020
Hampton	Georgiann E.	Sullivan & Cromwell LLP 1700 New York Avenue, NW, 7th Floor	20006
Hebb	Mia	Self (Dual) 1312 27th Street, SE	20020
Hodges	Tracey Eileen	Self 155 Todd Place, NE	20002
Jordan	Alexandra Nicole	Allied Title and Escrow, LLC 1100 Vermont Avenue, NW, Suite 500	20005
Kamya	Damalie	Eaglebank 1425 K Street, NW	20005
Katz	Lauren Shane	Arent Fox, LLP 1717 K Street, NW	20006
Kowal	Cassandra Malvina	Sterne, Kessler, Goldstein & Fox, PLLC 1100 New York Avenue, NW, Suite 600	20005
Lautenberger	David	Holland & Knight, LLP 800 17th Street, NW	20006
Lee	Dianne	Self (Dual) 4210 Mathewson Drive, NW	20011
Lewis	Breanna Valencia	Metropolitan Police Department 300 Indiana Avenue, NW, 5080	20001

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: March 1, 2020  
Page 5 of 8

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Li	Shuo	Charles Schwab Co., Inc. 1100 H Street, NW, Suite 100	20005
Maclean	Cynthia	Citibank 1101 Pennsylvania Avenue, NW	20004
Manghnani	Dimple	Solidcore 1728 14th Street, NW	20009
Manley	Linda Renee	DC Water and Sewer Authority 5000 Overlook Avenue, SW	20032
Martin-Heflin	Monica Genine	ATG Title 1050 Connecticut Avenue, NW, Suite 150	20036
Martinez	James	PNC Bank 800 H Street, NE	20002
McCann	Jennifer	Bessemer Trust Company 900 Seventeenth Street, NW, Suite 1000	20006
McCauley	Dawn E.	Venable LLP 600 Massachusetts Avenue, NW	20001
McDonald	Angela	DCI Group 1828 L Street, NW, Suite 400	20036
McGinty	Giose	Self (Dual) 643 Kensington Place, NE	20011
McMillan	Laura	Hudson Institute 1201 Pennsylvania Avenue, NW, Suite 400	20004
Mollick	Nathaniel John	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Montero	Elisabeth	Latin American Youth Center 1419 Columbia Road, NW	20009
Morales	Eneida E.	Agriculture FCU 1400 Independence Avenue, SW, SM-2	20250

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: March 1, 2020  
Page 6 of 8

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Nance	Edward J.	Self (Dual) 2589 Naylor Road, SE, #102	20020
Nardi	Michelle M.	Cornell University, Office Of University Investments 815 Connecticut Avenue, NW, Suite 615	20006
Pena	Juan Jose	Self 3909 Georgia Avenue, NW	20011
Pimentelp	Dailan	Band of America 3100 14th Street, NW, #100	20010
Richardella	Leah	Allied Title & Escrow, LLC 1100 Vermont Avenue, NW, Suite 500	20005
Roach	Diamond Nashe'	Advantage Financial Federal Credit Union 810 Vermont Avenue, NW, Room C-27	20024
Robertson	Kim L.	Pentagon Federal Credit Union 4447 Chappie James Boulevard, SW	20032
Robinson	Trina Lynette	Administration for Children and Families 330 C Street, SW	20201
Rocco	Andrew F.	Gardaworld 910 17th Street, NW, Suite 220	20006
Rudd	Nichelle	Baker Donelson, Bearman, Caldwell & Berkowitz 901 K Street, NW, Suite 900	20001
Senarathna	Dimuthu D.	Presidential Bank 1660 K Street, NW	20006
Shaffer	Susan	GetUpside 1701 Rhode Island Avenue, NW, 7th Floor	20036
Shanklin III	William K.	Self 2225 Shepherd Street, NE	20018
Shannon	Lola M.	Premium Title & Escrow, LLC 3407 14th Street, NW	20010

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: March 1, 2020  
Page 7 of 8

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Singletary	Katia	Van Ness East Condominiums 2939 Van Ness Street, NW	20008
Slade	Sarah J.	Wellspring Philanthropic Fund 11 Dupont Circle, NW, Suite 300	20036
Stocks	Sameerah Sharee	Two Rivers Public Charter School 1227 4th Street, NE	20002
Swammy	Betty F.	Long and Foster Real Estate 3527 12th Street, NE	20017
Tate	Ashley Renee	Wells Fargo 1750 H Street, NW, Suite 550	20006
Taylor	Kim	Department of Commerce 14 Constitution Avenue, NW, Room 5099C	20230
Totten	Margaret P.	Patomak Global Partners 750 17th Street, NW, Suite 1000	20006
Tupino	Christine	Skadden Arps Slate Meagher & Flom LLP 1440 New York Avenue, NW	20005
Walker	Elizabeth L.	KVS Title, LLC 230 Sixth Street, NE	20002
Warren	Nicole M.	U.S. House of Representatives - Office of Official Reporters 1718 Longworth House Office Building	20515
Whitaker	Desirae N.	John Hancock 1100 New York Avenue, NW, 270 West	20005
Whitted	Henry W.	Self 1234 Emerson Street, NE	20017
Williams	Bruce T.	Self (Dual) 826 Division Avenue, NE	20019



**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: March 1, 2020****Page 8 of 8**

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Williams	Nichelle	Advantage Financial Federal Credit Union 810 Vermont Avenue, NW	20420
Won	Hoo young	American Petroleum Institute 200 Massachusetts Avenue, NW	20001
Yombo	Anna Marie	Latin American Montessori Bilingual Public Charter School 1375 Missouri Avenue, NW	20011
Young	Ashley Marie	KVS Title 230 6th Street, NE	20002

**DISTRICT OF COLUMBIA SENTENCING COMMISSION****NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, January 21, 2020 at 5:00 p.m. The meeting will be held at 441 4<sup>th</sup> Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://www.scdc.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email [mia.hebb@dc.gov](mailto:mia.hebb@dc.gov)

**Meeting Agenda**

1. Review and Approval of the Minutes from the November 19, 2019 Meeting - Action Item, Judge Lee.
2. Director's Report - Information Item, Barbara Tombs-Souvey, Executive Director.
  - a. Introduction of New Commission Member, Judge Juliet McKenna.
  - b. Introduction of IT Specialist, Basil Evans.
  - c. Agency Performance Hearing – February 13, 2020.
3. MPD Data Feed Enhancement Project- Informational Item, Barbara Tombs-Souvey, Executive Director.
4. DC Social Media Policy – Action Item, Miatta Sesay, Outreach Specialist.
5. Fast Facts – Adult Sex Offenses – Action Item, Taylor Tarnalicki, Research Analyst.
6. Continued Discussion of Title 16 Sentences, Informational Item:
  - a. Grid Box Analysis – Mehmet Ergun, Statistician.
  - b. Follow-Up from Prior Title 16 Sentencing Data – Taylor Tarnalicki, Research Analyst.
7. Next Scheduled Meeting – February 18, 2020.
8. Adjourn.

**THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL****NOTICE OF REQUEST FOR PROPOSALS****Door & Window Security Enhancement**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school located in Southeast Washington, DC—seeks contractors to enhance security of windows and doors at its campus.

**Scope:**

- **Door Locksets:** School seeks contractor to replace some door locksets to provide push-button locking.
- **Window Entry-Resistant Film:** School seeks contractor to install entry-resistant film on some glass at the facility.
- The school will consider bids from contractors seeking to address just one of these projects or both.
- This project is estimated to cost \$33,000. The school intends to pay for 100% of costs with federal funds. The school has non-federal funds available to cover all project costs should they exceed the budget estimate or available federal funds.
- The school seeks to complete the project by June 30, 2020.

**Full RFP:**

Interested contractors can obtain the full RFP by emailing a request and a Certificate of Insurance (or other documentation of a going concern) to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) no later than Thursday, February 14, 2020.

**Questions & Information:**

- Please address questions concerning this RFP to **David Schlossman, dschlossman@tmapchs.org, 202-276-4722**
- Amendments/changes (if any) to the RFP will be posted at <https://thurgoodmarshallacademy.org/about/employment-opportunities/>
- Further information about Thurgood Marshall Academy—including the school's nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

**Deadline & Submission:**

- Submissions must respond to the full RFP.
- All submissions should be sent by email to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) with a **10-page limit and a 5 MB file-size limit** (including exhibits). Consideration of bids will begin **Monday, February 17, 2020**, and continue until contracts are awarded. Earlier submissions are encouraged.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 18744-A of Patterson SPE LLC**, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the relief approved by BZA Order No. 18744 to include a special exception under the use permissions of Subtitle U § 504.1(f), to permit the conversion of 31 units to a lodging use in the MU-15 Zone at premises 15 Dupont Circle, N.W. (Square 136, Lot 34).

<b>HEARING DATE (18744):</b>	May 6, 2014
<b>DECISION DATE (18744):</b>	May 6, 2014
<b>ORDER ISSUANCE DATE (18744):</b>	May 20, 2014
<b>MODIFICATION HEARING DATE:</b>	January 15, 2020
<b>MODIFICATON DECISION DATE:</b>	January 15, 2020

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE**

Original Application. In Application No. 18744, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by SB-Urban LLC for relief under the Zoning Regulations of 1958 including: a variance from the court width requirements, a variance from the requirement to maintain existing parking, a special exception from the requirement to provide additional parking for an addition to an historic resource, and a special exception from the roof structure setback and uniform enclosing wall height requirements, to construct an addition to a historic structure to establish an apartment building in the DC/SP-1 District. The Board issued Order No. 18744 on May 20, 2014. (Exhibit 7.) The approval was subject to two conditions, including implementation of a Transportation Demand Management (“TDM”) plan.

Proposed Modification. On October 18, 2019, the current owner of the property, Patterson SPE LLC, (the “Applicant”) submitted a request for modification of significance to Order No. 18744. (Exhibits 1-16.) The Applicant proposes to convert 31 of its 92 residential units to a lodging use. (Exhibit 2.) The Applicant would nonetheless continue to set aside seven residential units as Inclusionary Zoning units. Based on the proposed modification, the Applicant requests a special exception under the use permissions of Subtitle U § 504.1(f) to permit the lodging use. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 19.)

Notice of the Request for Modification. Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of significance on the parties to the original application. (Exhibit 1.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 8, 2020, at which a quorum was present, the ANC voted to support the request, provided that the Applicant contributes \$65,000 to the Housing Production Trust Fund based on a schedule agreed to by the Applicant.<sup>1</sup> (Exhibit 42.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of significance and the requested special exception. (Exhibit 40.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of significance and proposing amendments to the previously-approved TDM plan based on the introduction of the lodging use. (Exhibit 39.) The Board adopted those additional TDM measures as conditions of this Order.

### **Request for Modification of Significance**

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence<sup>2</sup> requires a public hearing and is a modification of significance. The Applicant's request complies with 11 DCMR Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

Based upon the record, the Board concludes that in seeking a modification of significance, the Applicant has met its burden of proof under Subtitle Y § 704.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the use permissions of Subtitle U § 504.1(f) to permit the conversion of 31 units to a lodging use.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

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<sup>1</sup> The Applicant agreed to make the first \$32,500 payment within 60 days after the issuance of the written BZA Order and expiration of the appeals period (or satisfaction of any appeals), and the second \$32,500 payment prior to the issuance of a certificate of occupancy for the lodging use.

<sup>2</sup> See, Subtitle Y §§ 703.3 and 703.4.

“Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the application persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the application persuasive and concurs in that judgment. The Board did not adopt the requirement that the Applicant contribute \$65,000 to the Housing Production Trust Fund as a condition of this Order, as it did not find the condition necessary to mitigate an adverse impact of the proposal; however, the Board recognizes that the Applicant has agreed to the contribution and expects that the Applicant will abide by its agreement to the ANC.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 18744 is hereby **GRANTED**, subject to the approved plans at Exhibits 24A1-24A4 of Application No. 18744, as modified by Exhibits 11A1-11A5 of Application No. 18744-A, and the following **CONDITIONS**, which shall replace and supersede the conditions of BZA Order No. 18744:

1. The Applicant shall have flexibility to modify the design of the building to address any comments from the D.C. Historic Preservation Review Board (HPRB), or HPRB staff, during final review of the project so long as such modifications do not require any additional areas of relief or substantial impact on the Approved Plans submitted to the BZA.
2. The Applicant shall implement the following Transportation Demand Management measures which shall:
  - a. Designate a member of the property management team as a Transportation Management Coordinator (TMC). The TMC shall provide information to residents identifying the available alternative modes of transportation and other supportive programs.
  - b. Direct new residents to the property’s website, which will include information on transportation options.

- c. Provide a transportation information screen in a common, shared space in the building that will show real time availability information for nearby trains, buses, and other transportation alternatives.
  - d. Restrict tenants from eligibility for Residential Parking Permit (RPP) for the blocks surrounding the property. The Applicant shall record this restriction in a covenant that runs with the land with the Recorder of Deeds.
  - e. Provide at least 31 secured, covered bicycle parking spaces within the building and at least four bicycle parking spaces in public space near the building's entrance, the latter subject to approval by public space officials.
  - f. Provide a bicycle repair facility within the building.
  - g. Provide a minimum of 10 bicycle helmets for use by the residents of the building.
  - h. Offer Capital Bikeshare to all new tenants who do not otherwise own a bicycle for the initial term of each lease in perpetuity.
  - i. Offer membership in a car-share program to all new tenants for the initial term of their lease in perpetuity.
  - j. Designate a loading management coordinator to coordinate all loading activities of the building and require all tenants to notify the loading management coordinator before moving in or out. Tenants requiring a moving truck shall provide the loading management coordinator the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of moving service, if applicable; and in the event that a moving truck is required, the loading management coordinator or tenant shall apply for DDOT Emergency No Parking signs to establish a temporary loading area. "Emergency No Parking" permits for loading are only eligible to be located in legal parking spaces, which are currently not located immediately adjacent to the subject site.
3. The Applicant shall implement the following TDM strategies for the lodging use:
    - a. The Applicant shall provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
    - b. Transportation Coordinators shall develop, distribute, and market various transportation alternatives and options to employees and [customers, patrons, attendees], including promoting transportation events (i.e. Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.

- c. Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.
- d. Front office and customer-facing staff shall be provided training by goDCgo (either in-person or webinar) to learn of the non-automotive options for implementing the TDM Plan.
- e. The Applicant shall provide guests with goDCgo’s Get Around Guide by making it available on the property website and in printed format for front office or customer-facing staff.
- f. The Transportation Coordinator shall subscribe to goDCgo’s hospitality newsletter.
- g. The Hotel shall participate in the Capital Bikeshare Corporate Membership program and offer discounted annual memberships to employees.
- h. The Applicant shall post “getting here” information in a visible and prominent location on the website with a focus on non-automotive travel modes. Also, links shall be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for patrons;
- i. The Applicant shall provide brochures with information on non-automotive options for traveling to the property available at all times in a visible location in the lobby.

In all other respects, Order No. 18744 remains unchanged.

**VOTE: 4-0-1** (Frederick L. Hill, Michael G. Turnbull, Lorna L. John, and Carlton E. Hart to APPROVE; no other Board members participating.)

**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:** January 21, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 18744-A  
PAGE NO. 5**



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19819-A of Southern Hills LP**, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the approved plans, to demolish the existing seven building apartment complex and to construct six apartment houses with a total of 349 residential units, and a new community service center in the RA-1 Zone at premises 4201, 4209, 4219, 4333, 4337, and 4347 4th Street S.E. and 304 Livingston Terrace S.E. (Square 6167, Lots 45, 46, 47, 48, 49, 50 and 51).

<b>HEARING DATE (19819):</b>	September 19, 2018
<b>DECISION DATE (19819):</b>	September 19, 2018
<b>ORDER ISSUANCE DATE (19819):</b>	September 24, 2018
<b>MODIFICATION HEARING DATE:</b>	January 15, 2020
<b>MODIFICATON DECISION DATE:</b>	January 15, 2020

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE**

Original Application. In Application No. 19819, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Southern Hills LP (the “Applicant”) for special exceptions under the theoretical subdivision provisions of Subtitle C § 305, under the new residential development requirements of Subtitle U § 421, and the use provisions of Subtitle U § 320.1(b), and pursuant to Subtitle X, Chapter 10, for a variance from the height requirements of Subtitle F § 303.1, to demolish the existing apartment houses and construct five new apartment houses, 42 attached principal dwelling units, and a new community service center in the RA-1 Zone. The Board issued Order No. 19819 on September 24, 2018. (Exhibit 3A.)

Proposed Modification. On September 26, 2019, the Applicant submitted a request for modification of significance to Order No. 19819. (Exhibits 1-7.) The Applicant proposes to increase the number of residential units provided by 94, for a total of 349 units, based on feedback from the D.C. Department of Housing and Community Development. In order to accommodate the increase in units, the Applicant now proposes to revise the site plan and to construct six apartment houses, in addition to the approved community service center. Of the 349 residential units, 255 will be deeply affordable units and 94 will be mixed-income units, including some reserved for individuals earning 50% to 80% of Area Median Income and some market rate. The Applicant submitted revised plans reflecting these modifications. (Exhibit 3B1-3C3 (Original); Exhibits 28A1-28B3 (Updated).) The Applicant also submitted an updated tenant relocation and construction phasing plan, which aims to provide more units in earlier phases in order to minimize offsite relocation of existing tenants. (Exhibit 28C.)

Based on the proposed modifications to the approved plans, the Applicant does not request any new areas of zoning relief, but instead, requests a modification of the areas of relief originally granted. Specifically, the Applicant requests area variance relief from the height and number of stories requirements of Subtitle F § 303.1, with regard to buildings F and H. The Applicant argues that it continues to meet the special exception standards with regard to the theoretical subdivision provisions of Subtitle C § 305, the new residential development requirements of Subtitle U § 421, and the Community Service Center use provisions of Subtitle U § 320.1(b). The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 8.)

Notice of the Request for Modification. Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of significance on the parties to the original application. (Exhibit 7.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 21, 2019, at which a quorum was present, the ANC voted to support the request. (Exhibit 26.)

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of significance. (Exhibit 31.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the proposed modification of significance, subject to the implementation of a Transportation Demand Management ("TDM") plan. (Exhibit 29.) The Board adopted the TDM measures as conditions of this approval.

Persons in Support. The Board heard testimony in support of the modification from Barbara Summers of the Southern Hills Condominium Association.

### **Request for Modification of Significance**

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence<sup>1</sup> requires a public hearing and is a modification of significance. The Applicant's request complies with 11 DCMR Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

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<sup>1</sup> See, Subtitle Y §§ 703.3 and 703.4.

Based upon the record, the Board concludes that in seeking a modification of significance, the Applicant has met its burden of proof under Subtitle Y § 704.

### **Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for area variance from the maximum height and number of stories requirements of Subtitle F § 303.1.

Based upon the record, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the theoretical subdivision provisions of Subtitle C § 305, under the new residential development requirements of Subtitle U § 421, and the use provisions of Subtitle U § 320.1(b).

Based upon the record, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

### “Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the modification persuasive and concurs in that judgment.

### “Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) The Board finds the ANC’s recommendation that the Board approve the modification persuasive and concurs in that judgment.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of significance of BZA Order No. 19819 is hereby **GRANTED**, subject to the approved plans at Exhibits 11A1-11A5 of Application No. 19819, as modified by Exhibits 28A1-28B3 of Application No. 19819-A, and the following **CONDITION**:

1. The Applicant shall implement the following Transportation Demand Management (“TDM”) Plan for the life of the project, unless otherwise noted:
  - a. The Applicant shall unbundle the cost of residential parking from the cost of lease or purchase of each unit and charge a minimum rate based on the average market rate within a quarter mile of the Site.
  - b. The Applicant shall identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators shall act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
  - c. The Applicant shall provide the Transportation Coordinators’ contact information to goDCgo, conduct an annual commuter survey of employees on site, and report TDM activities and data collection efforts to goDCgo once per year.
  - d. The Transportation Coordinators shall develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e. Bike to Work Day, National Walking Day, Car Free Day) on the property’s website and in any internal building newsletters or communications.
  - e. Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM plan.
  - f. The Applicant shall provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT’s goDCgo program by emailing [info@godcgo.com](mailto:info@godcgo.com).
  - g. The Applicant shall provide residents who wish to carpool with detailed carpooling information and shall refer residents to other carpool matching services sponsored by the Metropolitan Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
  - h. The Transportation Coordinator shall subscribe to goDCgo’s residential newsletter.
  - i. The Applicant shall post all TDM commitments on website, publicize availability, and allow the public to see what commitments have been promised.

- j. The Applicant shall meet Zoning requirements by providing 126 long-term bicycle parking spaces in convenient areas around the project site.
- k. The project's long-term bicycle storage shall accommodate non-traditional sized bikes including cargo, tandem, and kids' bikes.

In all other respects, Order No. 19819 remains unchanged.

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; no other Board members participating.)

**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:** January 17, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 19819-A  
PAGE NO. 5**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20136 of Christopher Hall**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear one-story and basement addition to an existing, two-story principal dwelling unit in the RF-1 Zone at premises 3549 Holmead Place, N.W. (Square 2828, Lot 130).

**HEARING DATE:** January 15, 2020

**DECISION DATE:** January 15, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 11.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 1A.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 11, 2019, at which a quorum was present, the ANC voted 11-0-0 to support the application. (Exhibit 13.)

OP Report. The Office of Planning submitted a report, dated January 3, 2020, recommending approval of the application. (Exhibit 32.)

DDOT Report. The District Department of Transportation submitted a report, dated November 15, 2019, indicating that it had no objection to the application. (Exhibit 15.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear one-story and basement addition to an existing, two-story principal dwelling unit in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the

burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 4.**

**VOTE: 3-0-2** (Frederick L. Hill, Carlton E. Hart, and Michael G. Turnbull to APPROVE; no other Board members participating.)

**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:** January 17, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION

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Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

**BZA APPLICATION NO. 20136**

**PAGE NO. 2**

THERE TO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20165 of Andrew Dunnville**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-20 Zone at premises 3626 T Street, N.W. (Square 1306, Lot 46).

**HEARING DATE:** January 15, 2020  
**DECISION DATE:** January 15, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 14 (Updated); Exhibit 2 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 7, 2020, at which a quorum was present, the ANC voted 8-0-0 to have no objection to the application. (Exhibit 45.)

OP Report. The Office of Planning ("OP"), in its original report, could not make a recommendation because the Applicant had not provided adequate information needed for analysis of the requested relief. (Exhibit 35.) Based on the additional information subsequently submitted by the Applicant (Exhibits 37-39), OP submitted a supplemental report, dated January 14, 2020, recommending approval of the application. (Exhibit 44.)

DDOT Report. The District Department of Transportation submitted a report, dated December 28, 2019, indicating that it had no objection to the application. (Exhibit 34.)

Persons in Support. The Board received letters from three neighbors in support of the application (Exhibits 36, 40, and 41.)

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-20 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 9.**

**VOTE: 4 -0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; no other Board members participating.)

### 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:** January 21, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

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<sup>1</sup>Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20166 of Destination Pet LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use requirements of Subtitle U § 513.1(I), to permit a veterinary office and veterinary boarding hospital in the MU-4 Zone at premises 2218-2220 18th Street, N.W. (Square 2553, Lot 78).

**HEARING DATE:** December 18, 2019  
**DECISION DATE:** January 15, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 1C.

ANC Report. The ANC's first report indicated that at a regularly scheduled, properly noticed public meeting on December 4, 2019, at which a quorum was present, the ANC voted 5-1-0 to oppose the application, raising concerns about the potential noise and waste impacts on adjacent neighbors. (Exhibit 42.) The ANC filed a second report, indicating that at a regularly scheduled, properly noticed public meeting on January 8, 2020, at which a quorum was present, the ANC voted 6-0-0 to reverse their prior opposition and support the application based on a memorandum of understanding ("MOU") between the Applicant and adjacent neighbors. (Exhibit 51.) The Board adopted the provisions of the MOU that it found to be relevant and enforceable as conditions of this Order.

OP Report. The Office of Planning ("OP") submitted a report recommending approval of the application. (Exhibit 39.) OP recommended that the Board adopt a condition to ensure that any revisions to the interior layout to accommodate a veterinarian not increase the gross floor area devoted to the boarding of animals to more than 50%. The Board found that the Applicant must comply with this requirement under Subtitle U § 513.1(I)(2), therefore it need not be made a separate condition of this order.

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 40.)

Persons in Opposition. Two residents of 1811 Wyoming Avenue, N.W. submitted a letter in opposition to the application. (Exhibit 30.)

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exception under the use requirements of Subtitle U § 513.1(l), to permit a veterinary office and veterinary boarding hospital in the MU-4 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 35A AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall implement the architectural plans submitted as Exhibit 35A along with the recommendations reflected in the acoustical engineer's report attached to the Memorandum of Understanding (the "Acoustical Engineer's Report") at Exhibit 45A, as follows:
  - a. Fill abandoned external windows and doors with double wythe brick system.
  - b. Seal all external gaps with mortar or non-hardening caulk.
  - c. For all STC-51 rated partition walls identified in the Plans, install two layers of 5/8" Type X gypsum board on one side of the partition wall and a single layer on the opposite side.

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<sup>1</sup> Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

- d. For existing external masonry walls identified in the Plans, use two layers of 5/8" Type X gypsum board, space all new wall framing a minimum of 1" from the existing brick with no contact with the brick wall, and fill the resulting cavity with insulation.
  - e. For the existing cement wall at the rear of the ground level adjacent to the proposed food prep/laundry room, install sound insulation using two layers of 5/8" Type X gypsum board, space all new wall framing a minimum of 1" from the existing brick with no contact with the brick wall, and fill the resulting cavity with insulation.
  - f. Install fiberglass batt insulation in ceiling system directly over any floor space that is identified for dog boarding, including the second level.
  - g. Install acoustical ceiling tiles with a minimum attenuation class of 35 or higher.
  - h. For the internal door adjacent to the "small dog play" area identified in the Plans, install a new solid core wood door with insulated view lite and acoustical seals.
  - i. At the time of construction, determine whether the internal existing wall between the restroom area and janitor/vestibule area identified in the Plans requires additional sound attenuation features, as identified in subsections 2(d) herein.
  - j. Should it be determined that the internal existing wall referenced in subsection 2(i) is not a double wythe masonry wall, Destination Pet will add another layer of masonry to the thickness of the wall from the inside and one layer of 5/8" dense drywall with an airspace between it and the existing wall.
  - k. Install a new solid core metal door and acoustical seals at the new rear entry.
2. The Applicant shall continue to use commercially reasonable efforts to cooperate and work with the Neighbors throughout and following the construction process to ensure that improvements and noise attenuation are completed to meet the reasonable requests of the Neighbors. If issues arise, Neighbors may contact Rob Border at [rob.border@destpet.com](mailto:rob.border@destpet.com), who will respond to concerns raised by Neighbors within two business days and communicate Destination Pet's plan of action with respect to such reasonable requests. Additionally, no later than October 1, 2020, Destination Pet and Neighbors shall arrange a meeting to discuss the improvements set forth herein.
  3. The Applicant shall remove all old, not-in-use equipment from the roofs of the Property, including but not limited to: old, unused heating and air conditioning equipment,

including ductwork; old unused cable television equipment such as satellite dishes, and any other unused equipment from prior establishments.

4. The Applicant shall instruct Destination Pet's employees and customers not to block or park in the alley between Kalorama Road, N.W./Wyoming Avenue, N.W., nor the parking spots behind 1806 or 1810 Kalorama Road, N.W.
5. The Applicant shall remove from the Property all dog waste at least two times per week or more frequently as needed to ensure nuisance odor and rat attraction is avoided.
6. The Applicant shall store waste in a bear/rat-proof trash enclosure, with waste transferred to outside cans on the day of pickup used by licensed DC haulers as close to pick-up times as reasonable possible.
7. The Applicant shall provide staff members with training on issues relating to the disposal of dog waste.

**VOTE:** 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter G. May (by absentee vote to APPROVE; no other Board members participating.)

**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:** January 17, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

**BZA APPLICATION NO. 20166**

**PAGE NO. 4**

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20176 of M Street Five LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse use provisions of Subtitle C § 1500.3(c), to construct a roof deck for a bar and restaurant use above an existing attached building in the MU-4 Zone at premises 3219-3221 M Street, N.W. (Square 1207, Lot 114).

**HEARING DATE:** January 15, 2020

**DECISION DATE:** January 15, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 20 (Final Updated); Exhibit 17 (Revised); Exhibit 15 (Updated); Exhibit 7 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 7, 2020, at which a quorum was present, the ANC voted 8-0-0 to recommend that the proposal will have a relatively low impact and to request that the Board "learn more about any sound-related issues which may arise due to the use of the roof deck to ensure that the deck will not adversely affect the use of neighboring properties, including the residential properties across the street." (Exhibit 40.) At the public hearing, the Board asked that the Applicant provide testimony regarding how it will mitigate any potential sound-related issues. The Board was satisfied that the application will not cause any negative impacts due to noise on neighboring properties.

OP Report. The Office of Planning submitted a report, dated January 2, 2020, recommending approval of the application. (Exhibit 37.)

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the penthouse use provisions of Subtitle C § 1500.3(c), to construct a roof deck for a bar and restaurant use above an existing attached building in the MU-4 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 13.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; no other board members participating.)

### 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:** January 22, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

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<sup>1</sup>Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20177 of Aulona Alia**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the minimum alley width requirements of Subtitle C § 303.3(a), to create a new record lot in the RF-1 Zone at premises 2017 Rear 2nd Street, N.E. (Square 3564, Lot 810).

**HEARING DATE:** January 15, 2020

**DECISION DATE:** January 15, 2020

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 3.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 19, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 13.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 33.)

Persons in Support. A letter was submitted into the record in support of the application from the Eckington Civic Association. (Exhibit 27.) Two other letters in support were also submitted. (Exhibits 26, 28.)

Persons in Opposition. One neighbor testified in opposition to the application.

**Variance Relief**

The Applicant seeks relief under Subtitle X § 1002.1 for an area variance from the minimum alley width requirements of Subtitle C § 303.3(a), to create a new record lot in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 9 – ARCHITECTURAL PLANS AND ELEVATIONS.**

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Michael G. Turnbull to APPROVE; no other Board members participating).

**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:** January 17, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 20177

PAGE NO. 2

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20179 of Eli Richman Kaplan NMP Revocable Trust**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to permit an existing rear deck addition to an attached principal building in the RF-1 Zone at premises 1407 5th Street N.W. (Square 511, Lot 99).

**HEARING DATE:** January 15, 2020  
**DECISION DATE:** January 15, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 3, 2019, at which a quorum was present, the ANC voted 4-0-0 to support the application. (Exhibit 36.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 34.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 31.)

Persons in Support. Eight letters were submitted into the record in support of the application. (Exhibits 37-44.)

Persons in Opposition. One letter was submitted in opposition to the application. (Exhibit 45.)

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to permit an existing rear deck addition to an attached principal building in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 30 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

**VOTE: 4-0-1** (Carlton E. Hart, Frederick L. Hill, Lorna L. John, and Michael G. Turnbull to APPROVE; no other Board members participating).

**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:** January 21, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST

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<sup>1</sup> Self-certification. In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.



IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 12-14B**

**Z.C. Case No. 12-14B**

**3<sup>rd</sup> & M LLC, 3<sup>rd</sup> & K, LLC, and Park Inn Associates, LP**

**(PUD Two-Year Time Extension @ Square 542, Lots 817, 821, 816, 883, and 2124-2251)**

**December 9, 2019**

Pursuant to notice, at its December 9, 2019 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 3<sup>rd</sup> and M, LLC, 3<sup>rd</sup> and K, LLC, and Park Inn Associates, L.P., (collectively, the “Applicant”) for a two-year time extension of the deadline to file an application for a building permit to construct the second building of the consolidated planned unit development (“PUD”) approved by Z.C. Order No. 12-14/12-14A<sup>1</sup> (the “Original Order”), for Lots 817, 821, 816, 883, and 2124-2251 in Square 542, with a street address of 300 K Street, S.W. (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**

1. Pursuant to the Original Order, the Commission granted the Applicant consolidated approval for the Property (the “Approved PUD”) and a related Zoning Map amendment to construct two new multifamily apartment buildings, one on the northern portion of the Property (the “North Building”) and the other on the southern portion (the “South Building”).
2. The parties to Z.C Case No. 12-14/12-14A other than the Applicant were Advisory Neighborhood Commission (“ANC”) 6D, the “affected” ANC pursuant to Subtitle Z § 101.8, the Carrollsburg A. Condominiums (“CAC”), and the Waterfront Towers Condominium (“WFT”).
3. The Original Order established a two-year period, starting from the issuance of a Certificate of Occupancy for the first building, within which the Applicant had to file an application for a building permit to construct the second building, with construction to begin within four years of the issuance of that Certificate of Occupancy. (Original Order Condition D(3).)
4. A Certificate of Occupancy was issued for the South Building on April 27, 2018. This established the deadline for the filing of an application for a building permit for the North Building as April 27, 2020, with the construction to start by April 27, 2022.

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<sup>1</sup> Z.C. Case No. 12-14 applied to the North Building and Z.C. Case No. 12-14A to the South Building. The Commission heard the two cases together with a single shared record and order.

**The Application**

5. On October 3, 2019, prior to the April 27, 2020 deadline to file an application for a building permit to construct the North Building as established by the Original Order, the Applicant filed the Application requesting a two-year extension.
6. The Applicant provided evidence that by October 4, 2019, it served the Application on ANC 6D, the Office of Planning (“OP”), the CAC board, and WFT’s attorney, as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 3.)
7. The Application also requested a waiver of Subtitle Z § 705.6’s prohibition on filing a time extension request more than six months prior to the expiration sought to be extended, since the Application was filed 24 days prior to this six-month period.
8. The Application asserted that good cause justifies the Commission’s granting the waiver to consider the Application early because the Applicant has simultaneously filed a request for a Modification of Consequence, and so the waiver would allow the Commission to maximize efficiency and consider both requests at the same time. (Z.C. Case No. 12-14C.)
9. The Applicant attested that there have been no substantial changes of material facts that would undermine the basis on which the Commission based its original approval. (Ex. 2.)
10. The Application asserted that good cause justifies granting the time extension because of the Applicant’s difficulty obtaining sufficient project financing for the development due to changes in economic and market conditions. (See Ex. 2C.)
11. Nearly 1,400 units have been delivered in the Southwest/Navy Yard submarket in the past year and 3,800 units have been delivered since 2017. Another 4,400 units are under construction or expected to deliver in the next year. (Ex. 2.)
12. The Applicant states that the oversupply of new residential units in the short term and rising costs of construction make the current financing environment not favorable for the second phase of construction. (Ex. 2.)
13. The Applicant and its consultant believe that the Applicant should delay financing until the submarket stabilizes, because it would not be feasible to currently secure suitable financing for the North Building.

**Responses to the Application**OP

14. OP submitted a report dated November 8, 2019, recommending approval of the Application (the “OP Report”) for a time extension. (Ex. 5.) The OP Report noted that there are no substantial changes of material facts upon which the project was approved.

ANC

15. ANC 6D did not submit a response to the Application.

Other Parties

16. No other party submitted a response to the Application.

**CONCLUSIONS OF LAW**

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.
2. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.
3. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it had served all parties to the Original Order – ANC 6D, CAC, and WFT – and that all were given 30 days to respond from the October 4, 2019 date of service.
4. Subtitle Z § 705.6 requires that “[a] request for an extension of an approval may not be filed more than six (6) months prior to the expiration of the order.”
5. Subtitle Z § 101.9 authorizes the Commission to waive any of the provisions of Subtitle Z, if, in the judgment of the Commission, the Applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
6. The Commission concludes that good cause exists for the Applicant’s request for a waiver from the provisions of Subtitle Z § 705.6 to consider the time extension more than six months before the expiration of the Original Order, and that no party will be prejudiced by granting of this waiver. The Commission finds it is appropriate to waive this provision to consider the time extension concurrently with the modification of consequence proposed in Z.C. Case No. 12-14C and notes that the Application was filed less than a month early.
7. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the PUD.
8. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and the OP Report.
9. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:

- (1) *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;*
  - (2) *An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
  - (3) *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.*
10. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(1) because the Applicant has diligently pursued the financing of the development of the Property and has not been able to move forward due to market conditions outside of its control, including oversaturation of delivered and pending units in the submarket and rising costs of construction making securing suitable financing to proceed infeasible.

**“Great Weight” to the Recommendations of OP**

11. The Commission must give “great weight” to the recommendations of OP 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); *see* Subtitle Z § 405.8.)
12. The Commission finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

**“Great Weight” to the Written Report of the ANC**

13. The Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016.) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
14. Since the ANC did not submit a written report in this case, there is nothing to which the Commission can give “great weight.”

**DECISION**

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a time extension, with a waiver of Subtitle § 705.6, to extend the deadline to file an application for a building permit to construct the North Building in the PUD approved by Z.C. Order No. 12-14/12-14A by two years to April 27, 2022, with construction to begin by April 27, 2024.

**VOTE (December 9, 2019): 5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 12-14B shall become final and effective upon publication in the *D.C. Register*; that is, on January 31, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**District of Columbia REGISTER – January 31, 2020 – Vol. 67 - No. 5    000731 – 001098**