

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 23-0454, Prohibition of Electronic Smoking Sales Without a Prescription Act of 2019
- D.C. Council schedules a public oversight roundtable on “Envisioning Access to Civil Legal Justice in the District of Columbia”
- Alcoholic Beverage Regulation Administration updates the Adams Morgan Moratorium Zone regulations
- Department of Consumer and Regulatory Affairs allows electronic payments for fines and special tax assessments
- Department on Disability Services establishes a process for resolving formal complaints
- Office of Tax and Revenue, Health Benefit Exchange Authority, and Department of Insurance, Securities and Banking implement the District’s minimum health insurance coverage requirements
- University of the District of Columbia adjusts tuition rates for degree granting programs beginning in the fall semester of 2020

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D. C. ACT 23-208

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2020

To designate, on an emergency basis, the park located in Lots 16 and 809 in Square 3581 as Alethia Tanner Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alethia Tanner Park Designation Emergency Act of 2020".

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22), the Council designates the park in Lots 16 and 809 in Square 3581 as "Alethia Tanner Park".

Sec. 3. Fiscal impact statement.

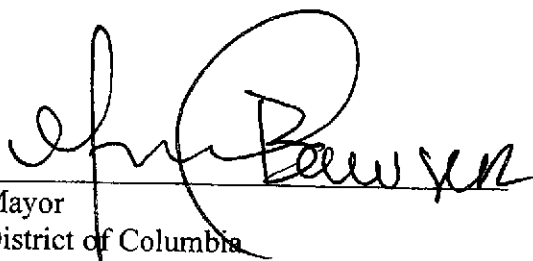
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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 28, 2020

001099

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-209**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 28, 2020**

To exempt from certificate of need review, on an emergency basis, a nonprofit that specializes in vision screening and provides free diagnostic services and eyewear to District of Columbia school children and youth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Children and Youth Vision Screening Emergency Amendment Act of 2020".

Sec. 2. Section 8(b) of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended as follows:

(a) Paragraph (19) is amended by striking the phrase "by December 31, 2021." and inserting the phrase "by December 31, 2021; and" in its place.

(b) A new paragraph (20) is added to read as follows:

"(20) The operation of a nonprofit specializing in vision screening and providing free diagnostic services and eyewear to school children and youth in the District of Columbia ("nonprofit"); provided, that the nonprofit has entered into a memorandum of understanding with the local education agency that will be served by the nonprofit."

Sec. 3. Fiscal impact statement.

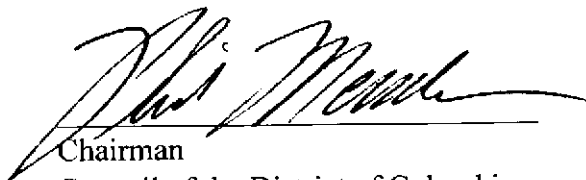
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

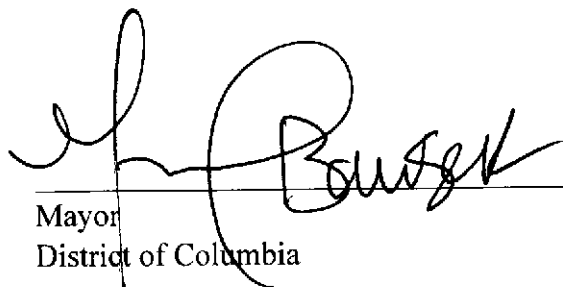
This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 28, 2020

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-210**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To approve, on an emergency basis, Contract No. NFPHCRSK-20-C-0002 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD, to provide physicians, healthcare general, employee benefits, and entity excess liability hospital insurance coverage to the Not-for-Profit Hospital Corporation, 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 “Contract No. NFPHCRSK-20-C-0002 between the Not-for-Profit Hospital Corporation and Ascot Underwriting Bermuda, LTD, Approval and Payment Authorization Emergency Amendment Act of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHCRSK-20-C-0002 between the Not-for-Profit Hospital Corporation (“Hospital”) and Ascot Underwriting Bermuda, LTD, to provide physicians liability, healthcare general liability, employee benefits liability, and entity excess liability hospital insurance coverage (excludes Physicians) to the Hospital and authorizes payment in the not-to-exceed amount of \$2,184,000 for the 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).

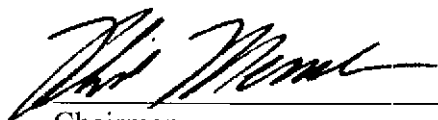
Sec. 4. Effective date.

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 the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section



ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-211**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To approve, on an emergency basis, Modification Nos. 9 and 12 to Human Care Agreement No. RM-17-HCA-MHRS-MBI-BY4-RDS with MBI Health Services, LLC, for mental health rehabilitative services, and to authorize payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. RM-17-HCA-MHRS-MBI-BY4-RDS 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. 9 and 12 to the Human Care Agreement No. RM-17-HCA-MHRS-MBI-BY4-RDS with MBI Health Services, LLC, to provide mental health rehabilitative services and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under Human Care Agreement No. RM-17-HCA-MHRS-MBI-BY4-RDS for the period from September 6, 2019, through September 5, 2020.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

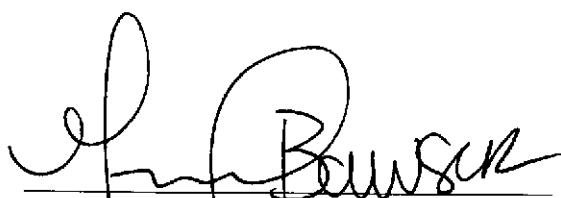
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 29, 2020

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 23-212**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To approve, on an emergency basis, Modification Nos. 7, 9, and 10 of Option Year 2 to Contract No. RM-17-C-032-BY4-JM with MBI Health Services, LLC, to provide community wraparound services for up to 94 youths and to authorize payment for the goods and services received and to be received under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. RM-17-C-032-BY4-JM with MBI Health Services, LLC, Approval and Payment Authorization Emergency Act of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and 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. 7, 9, and 10 to Contract No. RM-17-C-032-BY4-JM with MBI Health Services, LLC, to provide community wraparound services for up to 94 youths and authorizes payment in the not-to-exceed amount of \$1,091,597 for goods and services received and to be received under option year 2 of Contract No. RM-17-C-032-BY4-JM.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

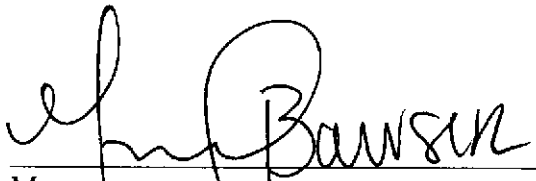
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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 29, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-213**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To designate, on an emergency basis, portions of Tingey Street, S.E., and N Street, S.E., between New Jersey Avenue, S.E., and Canal Street, S.E. and 2nd Street, S.E., abutting Squares 743, 770, 771, and W-771, as Tingey Square.

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

Sec. 2. Pursuant to sections 401 and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.21), the Council designates the portions of Tingey Street, S.E., and N Street, S.E., between New Jersey Avenue, S.E., and Canal Street, S.E. and 2nd Street, S.E., abutting Squares 743, 770, 771, and W-771, as “Tingey Square”.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
January 29, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-214**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To order, on an emergency basis, the closing of a portion of 4th Street, N.E., between Kennedy Street, N.E., and Ingraham Street, N.E., and a portion of the public alley system in Square 3765, S.O. 18-41561, in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Portion of 4th Street, N.E., and a Public Alley in Square 3765, S.O. 18-41561, Emergency Act of 2020”.

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that a portion of 4th Street, N.E., between Kennedy Street, N.E., and Ingraham Street, N.E., and a portion of the public alley system in Square 3765, as shown on the Surveyor’s plat filed under S.O. 18-41561, are unnecessary for street and alley purposes and orders them closed with title to the land to vest as shown on the Surveyor’s plat.

Sec. 3. The ordering of this street and alley closing is contingent upon the applicant compensating the District of Columbia in the amount of \$29,610 for the removal of existing street trees and \$6,475.50 for the removal of existing District Department of Transportation streetlights in the area proposed for closure, and the retention of the building restriction lines on the south side of the 300 block of Kennedy Street, N.E., between South Dakota Avenue, N.E., and the east side of the 5400 block of 3rd Street, N.E.

Sec. 4. Fiscal impact statement.

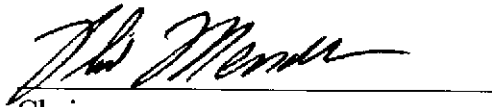
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).



ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-215**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To remove, on an emergency basis, from the plan for the extension of a permanent system of highways a portion of 39th Street, N.W., located within Lot 801 in Square 1823, as shown on the Surveyor’s Plat filed under S.O. 18-41885.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Abandonment of the Highway Plan for a Portion of 39th Street, N.W., S.O. 18-41885, Emergency Act of 2020”.

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Official Code § 9-103.01 *et seq.*), the Council amends the plan for the extension of a permanent system of highways to remove a portion of 39th Street, N.W., located within Lot 801 in Square 1823, south of Upton Street, N.W., and north of Rodman Street, N.W., as shown on the Surveyor’s Plat filed under S.O. 18-41885.

Sec. 3. Fiscal impact statement.

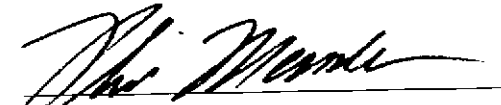
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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


ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
January 29, 2020

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-216**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 29, 2020**

To amend, on a temporary basis, section 47-4658 of the District of Columbia Official Code to authorize the abatement of real property taxes on the real property described as Lot 72 in Square 5041 and Lot 811 in Square 5056, known as the Parkside Parcel E and J Mixed-Income Apartments, so long as a certificate of occupancy has been issued by September 20, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Temporary Amendment Act of 2020”.

Sec. 2. Section 47-4658 of the District of Columbia Official Code is amended by striking the number “2020” both times it appears and inserting the number “2022” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

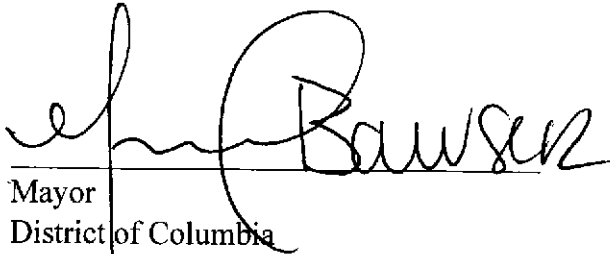
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2020

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-132

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize Archie Williams's retirement after 24 years of service with the District of Columbia Government, including 12 years of service at the D.C. Public Library and 12 years with the Council of the District of Columbia.

WHEREAS, Archie Williams has been a critical member of the leadership team at the D.C. Public Library for 12 years;

WHEREAS, his demonstrated effective leadership working with the residents of the District of Columbia and other stakeholders was instrumental to the success of the D.C. Public Library's transformation;

WHEREAS, he was an integral part of the successful design, construction, and opening of 20 modernized D.C. public libraries;

WHEREAS, he worked to ensure community input was reflected in the design of the modernized Martin Luther King Jr. Memorial Library;

WHEREAS, he led efforts to support the important work of the Federation of Friends and individual D.C. Public Library Friends Groups;

WHEREAS, he worked for 12 years as Director of Constituent Services for the Council of the District of Columbia under the leadership of Chairman John A. Wilson and Chairman Linda Cropp, leaving a positive impact on the lives of District of Columbia residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Archie Williams Service Recognition Resolution of 2019".

**ENROLLED ORIGINAL**

Sec. 2. The Council recognizes and honors Archie Williams and his 24 years of valuable and dedicated service to the D.C. Public Library, The Council of the District of Columbia, the government of the District of Columbia, and, most importantly, to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-133

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To congratulate Trees for Georgetown on the celebration of its 30<sup>th</sup> Anniversary.

WHEREAS, Trees for Georgetown was founded in 1989;

WHEREAS, Trees for Georgetown is an all-volunteer committee under the auspices of the Citizens Association of Georgetown dedicated to the planting, care and maintenance of Georgetown's residential street trees, including the education of Georgetown residents in caring for these trees as well as their importance to the environment;

WHEREAS, Over the last 30 years, Trees for Georgetown has planted nearly 3,000 trees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "Trees for Georgetown Recognition Resolution of 2019" and declares September 15, 2019 as Trees for Georgetown Day in the District of Columbia.

Sec. 2. The Council of the District of Columbia recognizes, honors and salutes Trees for Georgetown for its commitment to excellence and for its numerous contributions to the District of Columbia and her citizens.

Sec. 3. This resolution shall take effect upon the first date of publication in the District of Columbia Register.



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To declare September 20, 2019 Park(ing) Day in the District of the Columbia.

WHEREAS, in 2005 a group of urban designers converted a parking spot in San Francisco into a miniature park with living grass, a potted tree, and a bench.

WHEREAS, the following year, the Trust for Public Land sponsored similar efforts in all of the cities where it has offices and Park(ing) Day began to spread worldwide, including the District Department of Transportation (“DDOT”) first participating in 2013.

WHEREAS, cities big and small, from Ames, Iowa to Accra, Ghana have installed temporary parks for Park(ing) Day.

WHEREAS, Park(ing) Day is an opportunity to recapture asphalt and sidewalks in the District and emphasize the importance of green space.

WHEREAS, the District of Columbia is committed to providing high-quality green space for all residents, and in 2019, the Trust for Public Land ranked the District’s park system first in the country, finding that 98% of District residents live within a 10-minute walk of a park.

WHEREAS, since 2014 all Members of the D.C. Council have donated their parking spots on Pennsylvania Avenue to create green space for Park(ing) Day.

WHEREAS, in 2018, DDOT approved 29 temporary parks throughout the District for Park(ing) Day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Park(ing) Day 2019 Recognition Resolution of 2019”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia declares September 20, 2019 to be Park(ing) Day in the District of Columbia and reaffirms the Council's commitment to preserving and developing green space in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize and honor the Honorable President Jimmy Carter, 39<sup>th</sup> President of the United States, on the occasion of his 95th birthday on October 1, 2019.

WHEREAS, District residents overwhelmingly supported the Honorable President Jimmy Carter’s candidacy for president in both 1976 and 1980;

WHEREAS, President Carter was a good friend of the District of Columbia, choosing to send First Daughter Amy Carter to public school in D.C.—at Stevens Elementary and Hardy Middle School—and supporting full voting representation for the District;

WHEREAS, President Carter supported a constitutional amendment to end taxation without representation in the District of Columbia;

WHEREAS, President Carter was a world leader in promoting solar and renewable energy during his tenure in the White House;

WHEREAS, in 1992 and 2010, President Carter and Rosalynn Carter brought the Jimmy & Rosalynn Carter Work Project to the District for its annual home building blitz organized by Habitat for Humanity, working with volunteers to build and renovate homes in District neighborhoods;

WHEREAS, First Lady Rosalynn Carter, who recently turned 92, has been a lifelong advocate for mental health awareness and for excellence in mental health treatment for all in need.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “President Jimmy Carter 95th Birthday Recognition Resolution of 2019”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia acknowledges and honors President Jimmy Carter on the occasion of his 95th birthday, recognizing his support for the District's autonomy and his continued commitment to justice and equality for all.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-137

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To celebrate and recognize the many contributions of the District's Afro-Latino community and to declare the second week of September as "D.C. Afro-Latino Heritage and Culture Week" in the District of Columbia.

WHEREAS, the District of Columbia is home to a strong and growing community of Latin and Caribbean Americans of African ancestry;

WHEREAS, D.C. Afro-Latino Heritage and Culture Week is an opportunity for District residents and visitors to share in and promote the rich history, customs, and values of the District's Afro-Latino American community;

WHEREAS, the Afro-Latino community has a strong tradition of political activism, notably advocating for the inclusion of Afro-Latinos in the US 2020 Census to ensure the proper collection of statistical data and to help better direct resources to address the issues facing the Afro-Latino population in the District of Columbia and across the United States of America;

WHEREAS, the District of Columbia declares support of the United Nations' designation of this decade, January 1, 2015, to December 31, 2024, as the "International Decade for People of African Descent" and joins the international effort to promote the recognition, justice, and development for all persons of African descent in the District of Columbia and across the world;

WHEREAS, the International Decade for People of African Descent also presents the opportunity for stronger public and private-sector engagement with Afro-Latino communities. And, through the coordination of local, regional, national, and international efforts, all governments—including that of the District of Columbia—can foster and strengthen relationships and civic engagement with the Afro-Latino community;

WHEREAS, the Congressional Black Caucus' Annual Legislative Conference has joined the United Nations' celebration of the Afro-Latino community and will focus on the public-

**ENROLLED ORIGINAL**

policy issues faced by the community during the remaining years of the decade through initiatives launched under the leadership of Congressman Henry C. “Hank” Johnson, Jr. (GA-04), the Council of the District of Columbia, the D.C. Afro-Latino Caucus, the Sustainable Development and Climate Change organization (SUDECC), and the Congressional Black Caucus Foundation, Inc.; and

WHEREAS, the District of Columbia celebrates the many longstanding social, cultural, and economic contributions made by the Latin and Caribbean Americans of African ancestry who live and work in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “The D.C. Afro-Latino Heritage and Culture Week Recognition Resolution of 2019.”

Sec. 2. The Council of the District of Columbia celebrates the District’s Afro-Latino community and declares the second week of September as the D.C. Afro-Latino Heritage and Culture Week in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-138

## COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize October as Filipino American History Month in the District of Columbia.

WHEREAS, there are over 4,000,000 Filipino Americans, making them the second largest Asian American group in the United States;

WHEREAS, the District of Columbia is home to over 3,000 Filipino American residents;

WHEREAS, Dr. Fred Cordova and his wife Dr. Dorothy Laigo Cordova, founder of the Filipino American National Historical Society (FANHS), first introduced October as Filipino American History Month in 1992 with a resolution from the FANHS National Board of Trustees;

WHEREAS, the celebration of Filipino American History Month in October commemorates the first recorded presence of Filipinos in the continental United States, which occurred on October 18, 1587, when “Luzones Indios” came ashore from the Spanish galleon Nuestra Senora de Esperanza and landed at what is now Morro Bay, California;

WHEREAS, in 2009, the United States Congress recognized October as Filipino American History Month in the United States;

WHEREAS, since 2009 multiple states and municipalities have declared October to be Filipino American History Month;

WHEREAS, Filipino Americans have contributed greatly to the social, economic, and political development of the District throughout its history;

WHEREAS, countless Filipino American residents serve the District of Columbia in the areas of public service, education, business, technology, healthcare, family services, the arts, and culture; and

WHEREAS, October has become a symbolic month in which Filipino Americans and their supporters come together in celebration of their culture, traditions and history.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Filipino American History Month Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the outstanding contributions and valued accomplishments of the Filipino American community in the District of Columbia and the United States of America and are proud to declare October as Filipino American History Month in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-139

## COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize October as Dyslexia Awareness Month and draw attention to the challenges and presence of dyslexia.

WHEREAS, dyslexia was first identified as a condition in 1881 and was given the name dyslexia by German ophthalmologist, Dr. Rudolf Berlin;

WHEREAS, dyslexia is a language-based learning disability, that affects approximately one in five people, regardless of race, gender, age, or socioeconomic status;

WHEREAS, dyslexia is a neurological condition that is characterized by difficulties with accurate and/or fluent word recognition as well as poor spelling and decoding abilities;

WHEREAS, there is no cure for dyslexia, however those with dyslexia benefit greatly from specialized assistance from trained teachers, multi-sensory learning programs and individualized instruction;

WHEREAS, despite the challenges of dyslexia, people are able to succeed in a wide variety of professions;

WHEREAS, there are countless people at the top of their profession who have been diagnosed with dyslexia, including but not limited to director Steven Spielberg, boxer Mohammed Ali, artist Pablo Picasso, and theoretical physicist Albert Einstein;

WHEREAS, on February 19, 2019 Councilmember Brandon T. Todd introduced the Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019 to identify dyslexia in children at an early age to better provide them with the resources they need to meet their full potential; and

WHEREAS, individuals with dyslexia play a key role in the District of Columbia and our society as a whole and it is key to give them the resources necessary to succeed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dyslexia Awareness Month Recognition Resolution of 2019”.

**ENROLLED ORIGINAL**

Sec. 2. The Council recognizes the need to identify and aid those diagnosed with dyslexia and declares the month of October to be Dyslexia Awareness Month in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-140

## COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize October as National Arts and Humanities Month in the District of Columbia and to celebrate the arts and humanities for their importance in our lives and communities.

WHEREAS, arts and humanities have been a critical part of human life, development, and learning since the beginning of times;

WHEREAS, the arts and humanities allow people to express themselves, learn about each other, encourage creative thinking skills in personal development, and have a wide variety of economic, social, and educational benefits;

WHEREAS, in 1965 the United States Congress established the National Endowment for the Arts to give Americans the opportunity to participate in the arts, exercise their imaginations, and develop their creative capacities;

WHEREAS, the Arts and Humanities Act of 1975 established the Commission on the Arts and Humanities in the District of Columbia in order to evaluate and initiate action on matters relating to the arts, and to encourage the development of programs;

WHEREAS, in 1993 Americans for the Arts declared the month of October National Arts and Humanities Month with the goals of focusing on the arts at local, state and national levels, encouraging individuals and organizations to participate in the arts, allowing governments and businesses to show their support of the arts, and raising public awareness about the role the arts and humanities play in our communities and lives;

WHEREAS, the National Arts Awards were also established in 1993 by Americans for the Arts and are held annually in October to recognize and celebrate the contributions and accomplishments of national leaders who are advancing the arts in the United States; and

WHEREAS, this year marks the 26<sup>th</sup> Arts and Humanities month and the 26<sup>th</sup> annual National Arts Awards hosted by Americans for the Arts where a variety of organizations and individuals will be recognized for their contributions to the arts.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Arts and Humanities Month Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the key role that the arts and humanities plays in both the District of Columbia and society as a whole and we are proud to celebrate October as National Arts and Humanities Month.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-141

## COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To celebrate the 100<sup>th</sup> birthday of Robert Lee Davis and to recognize the impact that he has made through both his professional and community work and engagement in both Ward 4 and the District of Columbia as a whole.

WHEREAS, Robert Lee Davis was born on July 27, 1919, in Franklin, Virginia, formerly of Southampton County, where he grew up during the Roaring Twenties and the Great Depression and dealt with legalized segregation and racial discrimination;

WHEREAS, Robert Lee Davis earned a bachelor's degree around 1942 from Virginia State University, where he joined the Omega Psi Phi fraternity on what would be the same day the Japanese attacked Pearl Harbor;

WHEREAS, Robert Lee Davis was an avid boxer and while attending Virginia State University he won an amateur welterweight championship, earning him the nickname "Champ" Davis from his college peers;

WHEREAS, Robert Lee Davis was drafted to serve in the U.S. Army during World War II and was stationed at Cherbourg-Octerville, France and would become a decorated veteran by surviving the fierce battles on D-Day during the invasion of Normandy where he was a part of Allied Forces landing at Omaha Beach;

WHEREAS, following his service in World War II Robert Lee Davis attended graduate school at the University of Wisconsin where he received his master's in 1949 and later studied landscape architecture and city planning at Cornell University around 1955 and horticulture at Iowa State University of Science and Technology around 1956;

WHEREAS, during his time at the University of Wisconsin, Robert Lee Davis met Myrtle Mae Bowers, who served in the Red Cross during World War II, and the two were married in 1949;

WHEREAS, Robert Lee Davis became a professor of landscape art at Prairie View A&M University in Prairie View, Texas where he helped shape and develop young architects and was

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engaged by some clients on independent commissions, most notably a commission at Jarvis Christian College;

WHEREAS, Robert Lee Davis worked with the U.S. Department of Housing and Urban Development as an assistant director of planning and worked as a city planner with the D.C. Public Housing Authority under the future first mayor of the city, Walter Washington;

WHEREAS, Robert Lee Davis became a resident of the District of Columbia and raised his two girls—Patsy Faith and Brenda Gay, who were born in the District, and who attended and graduated from Jesse LaSalle Elementary School and Margaret M. Amidon Elementary School respectively before attending and graduating from National Cathedral School for Girls;

WHEREAS, he became an officer of the Foreign Service in the U.S. Department of State, where he traveled to every continent in the world, except Australia, and retired after 25 years of service;

WHEREAS, Robert Lee Davis continues to be an active member of the District of Columbia community where he has been a member of Brightwood Park United Methodist Church for over 60 years, a member of the Lamond-Riggs Association for more than 60 years, and has taken place in every election for nearly 6 decades;

WHEREAS, Robert Lee Davis has shown great commitment and dedication to his community through nurturing beautiful gardens enjoyed by his neighbors, aiding the sick, widowed and disabled, clearing snow in the winters, mowing the lawns of neighbors who were unable in the spring and summer, and raking leaves during the fall; and

WHEREAS, Robert Lee Davis is a deeply admired gentleman of the highest moral character who served as a stalwart example of dignity, self-respect, professional success and responsibility, is a devoted and loving father, a faithful and supportive spouse and a vital member of our Ward 4 and District of Columbia community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Robert Lee Davis 100<sup>th</sup> Birthday Ceremonial Recognition Resolution of 2019”.

**ENROLLED ORIGINAL**

Sec. 2. The Council honors Robert Lee Davis for his service to this country, his commitment to the District of Columbia and Ward 4 through his continued community involvement and for a century's worth of life. commitment to our Ward 4 and District of Columbia communities and for the positive impact she has had and continues to have.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-142

## COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize and honor Fellowship Baptist Church on their 25<sup>th</sup> Anniversary for their impact on the Ward 4 community and their dedication to improving the lives of others.

WHEREAS, on August 19, 1994 Reverend Dr. Carlton W. Veazey founded Fellowship Baptist Church, which was organized under the gracious patronage of New Bethel Baptist Church and their pastor Dr. Walter E. Fauntroy;

WHEREAS, Dr. Carlton W. Veazey sought to establish a church in keeping with the teaching of the New Testament and chose the name *Fellowship* to reflect the Baptist mission to create a fellowship of believers, wherein love is practiced in word and deed;

WHEREAS, Fellowship Baptist Church was issued a D.C. Charter on September 7, 1994 and the church began meeting in the Roosevelt for Seniors facility located on 16<sup>th</sup> Street NW due to the graciousness of the Honorable H.R. Crawford;

WHEREAS, after three years, the Roosevelt for Seniors facility was closed, and Fellowship Baptist Church moved to the Owl School on 16<sup>th</sup> Street NW before briefly moving to the Howard University School of Divinity Chapel;

WHEREAS, in 1999 Sister Carlotta Parks was able to find a building at 5606 Colorado Avenue, NW that Fellowship Baptist Church would move to and remains at today, and the dedication service was held on September 26, 1999;

WHEREAS, Reverend Patricia Hailes Fears joined Fellowship Baptist Church as Assistant to Pastor Veazey;

WHEREAS, following Fellowship Baptist Church's second church retreat, Reverend Veazey appointed several new ministries including, Christian Education and Evangelism and Outreach, the Food Pantry;



**ENROLLED ORIGINAL**

WHEREAS, in July of 2014 Pastor Veazey introduced the *One Congregation, One Family* Program initiative to Fellowship Baptist Church with the hopes of ending homelessness and housing insecurity through promoting life skills and offering the caring environment and encouragement necessary to foster personal and economic growth for families to move away from homelessness and housing instability;

WHEREAS, after 22 years Reverend Dr. Carlton W. Veazey announced he would step down as Pastor of Fellowship Baptist Church and on December 11, 2016 Reverend Patricia Fears was installed as the second Pastor of Fellowship Baptist Church;

WHEREAS, since her installation, Reverend Fears has furthered Fellowship Baptist Church's engagement with the community through various partnerships such as distributing winter coats for school children with Ward 4 Councilmember Brandon T. Todd, partnering with local barbershops to provide free haircuts for D.C. students, and collecting over 1,200 pounds of non-perishable food for the Capital Area Food Bank in partnership with First Base;

WHEREAS, Fellowship Baptist Church holds conversations and dialogue with their surrounding communities on various issues through their Conversation Parties, which tackle issues such as mass incarceration, global racism and financial literacy; and

WHEREAS, Fellowship Baptist Church continues to impact and better their surrounding community, our Ward 4 community and the District of Columbia through their outreach and dedication to lifting others up for a quarter century.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "25<sup>th</sup> Anniversary of Fellowship Baptist Church Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia honors Fellowship Baptist recognizes the work that Fellowship Baptist church has done over the past 25 years.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-143

COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To celebrate the 100th birthday of Vanilla Beane and to recognize her sustained success in running Bene Millinery and Bridal Supplies and the example that she has set for those following in her footsteps as both an entrepreneur and a milliner.

WHEREAS, Vanilla Beane was born in Wilson, North Carolina on September 13, 1919;

WHEREAS, Vanilla Beane was married to the late Willie Bean, Sr. and the couple had three children, the late Willie Beane, Jr., Margaret Seymour of Charleston, South Carolina, and Linda Jefferson of Washington, D.C.;

WHEREAS, while working at the General Services Administration, Vanilla Beane started a home based, custom made hat business that she operated in the evenings and weekends;

WHEREAS, Vanilla Beane began working at the Washington Millinery Supply Company in 1955 and upon the owner’s retirement, Vanilla Beane was able to purchase the entire stock of millinery supplies and open her own business, Bene Millinery & Bridal Supplies;

WHEREAS, Vanilla Beane started Bene Millinery & Bridal Supplies in 1979 and continues to oversee and operate the business today, 5 decades later;

WHEREAS, Bene Millinery & Bridal Supplies is most known for their celebrated hats, which are made and designed by Vanilla Beane herself;

WHEREAS, Vanilla Beane has created hats for movies, charity events, and a guest attending The Royal Ascot and in 2018, a green turban made by Vanilla Beane was selected to be a part of Google’s 3-D interactive exhibit curated at the National Museum of African-American History and Culture;

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WHEREAS, Vanilla Beane’s hats have been worn by a wide variety of women, including Maya Angelou, Dorothy Height, and Washington, D.C.’s current Mayor Muriel Bowser, and were also mentioned by United States President Barack Obama at the funeral of Dorothy Height;

WHEREAS, Vanilla Beane was inducted into the National Association of Fashion and Accessory Designers Hall of Fame in 1975; and

WHEREAS, Vanilla Beane continues to inspire others with her dedication to her beautiful work and we are lucky to have an incredible woman in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Vanilla Beane 100<sup>th</sup> Birthday Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council honors Vanilla Beane on her 100<sup>th</sup> birthday for an incredible and accomplished life and look forward seeing her continue to inspire others through her work.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-144

## COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize and celebrate Imagination Stage, Incorporated for the arts education they provide for the young people of both Ward 4, and in Washington, DC as a whole.

WHEREAS, Imagination Stage, Incorporated was founded in 1979 and remains the region's leading professional theatre and theatre education center for children, their families, and their schools;

WHEREAS, Imagination Stage DC was formed in 2014 and has provided programming for early childhood education, primary grades, teenagers, and teachers in the District of Columbia, and has cumulatively served over 30,000 local students through programs including, but not limited to, Learning through Theatre, Theatre for the Very Young, and the DC Police Project;

WHEREAS, Imagination Stage DC is a locally focused theatre and education institution in DC dedicated to providing consistent exceptional theatre for young audiences;

WHEREAS, Imagination Stage DC serves as the strong voice, tirelessly advocating for the importance of theatre in the lives of children;

WHEREAS, arts participation, at all ages, but especially in childhood, offers a valuable tool for promoting understanding, facilitating learning, building awareness, increasing self-esteem, spurring critical thinking, and providing appropriate outlets for emotion and nurturing creativity, imagination, and innovation;

WHEREAS, Imagination Stage DC envisions a future where theatre experiences are a fundamental aspect of children's lives, nourishing their creative spirit, inspiring them to embrace the complexity and diversity of their world, and helping them overcome their challenges with hope, courage and, above all, creativity; and

WHEREAS, we commend and thank Imagination Stage DC as it continues to improve the lives of children in the District of Columbia by bringing superlative theatre arts education experiences to Washington, DC, and to provide new ways for teachers to connect to Science, Technology, Engineering, Arts and Mathematics (STEAM) curricula through arts practices.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Imagination Stage DC Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes Imagination Stage DC for its premier theater education that benefits our District of Columbia community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To celebrate the 95th Anniversary of the Washington, D.C. Alumni Chapter of Kappa Alpha Psi Fraternity Inc. and to recognize them for their legacy and impact in the District of Columbia.

WHEREAS, the Washington, D.C. Alumni Chapter of Kappa Alpha Psi Fraternity was chartered on October 15, 1924;

WHEREAS, the Historic Kappa House received the designation of National Historic Landmark in 1985 by the US Department of Interior, is a visiting station along the tourism trail, and has been memorialized as the hub for the gathering of black social life during segregation;

WHEREAS, members of the Washington, D.C. Alumni Chapter, through their WKAY 100 and in partnership with the D.C. Superior Court Juvenile Division, have served as mentors to 100 of the District’s male youth between the ages of 8 and 17 who have been abused and neglected and who entered into the court system;

WHEREAS, the Washington, D.C. Alumni Chapter believes in the value of our youth and the necessity to encourage their academic success, and adopted Maury Elementary School;

WHEREAS, the Washington, D.C. Alumni Chapter Kappa Scholarship Endowment Fund Inc. is a tax exempt 501(c)(3) organization dedicated to raising money and providing student college scholarship for Washington, D.C. Public and Charter High School seniors;

WHEREAS, the Washington, D.C. Alumni Chapter Kappa Scholarship Endowment Fund (KSEF) was established in 1984 and registered in the District of Columbia;

WHEREAS, the Washington, D.C. Alumni Chapter, through its Kappa Scholarship Endowment Fund awarded approximately \$3 million in college scholarships to seven 700

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high school graduating seniors since 1984, enabling these students to pursue their dreams of higher education;

WHEREAS, the Washington, D.C. Alumni Chapter, Historic Restoration Foundation was established in 1985;

WHEREAS, the Washington, D.C. Alumni Chapter, Historic Restoration Foundation is a tax exempt (501)(c)(3) organization with the sole purpose of preserving the house as a national landmark;

WHEREAS, the Washington, D.C. Alumni Chapter sponsors award winning Guide Right and Kappa League Programs in which youth between the ages of 13 and 18 years of age are mentor, and coached in a yearlong leadership enrichment, career and college preparation program;

WHEREAS, members of the Washington, D.C. Alumni Chapter participated in the nurturing and development of the city youth, as members of the historic Roving Leaders;

WHEREAS, the Washington, D.C. Alumni Chapter has always been intimately involved in the improvement of its community and the residents therein with its myriad of community service programs and activities, support of DC Voter Participation Drive, Annual School Supplies and Annual Community Holiday Drives;

WHEREAS, the Washington, D.C. Alumni Chapter believes in fostering and enhancing the wellbeing of the District's seasoned citizens and its senior members, it provides educational resources and programs regarding resources available to this population;

WHEREAS, the Washington, D.C. Alumni Chapter unites men of culture, patriotism, and honor and provides invaluable support and mentorship to students at Georgetown, George Washington, Catholic, Howard, and the University of the District of Columbia, enabling these students to become successful academically, professionally, with strong leadership skills;

WHEREAS, the Washington, D.C. Alumni Chapter includes among its membership notables such as Dr. Paul Phillips Cooke, historian, educator, and past president of the University of the District of Columbia (Federal City College, Minors Teachers College); Judge William "Turk" Thompson; Julian Dugas, city administrator, civil rights attorney; Dr. William Henry "Stud" Greene, physician, philanthropist; Vincent E Reed; Andrew Jenkins, Former Superintendent of Schools; Mayor Adrian M. Fenty; Kwame R. Brown, D.C. Council Chairman, member of City Council – at-large; Frank D. Reeves; School Board members Thomas Kelly, Kevin P. Cheavous, Terry W. Hairston; and Brandon T. Todd, D.C. Council Member – Ward 4;

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WHEREAS, the Council of the District of Columbia declares October 15, 2019 as the Washington, D.C. Alumni Chapter of Kappa Alpha Psi Fraternity Inc. Day; and

WHEREAS, in honor of the manifold contributions to the citizens of the District of Columbia, the entire area on 'S' Street between New Hampshire Avenue and Seventeenth Street, N. W., be renamed the Washington, D.C. Alumni Chapter of Kappa Alpha Psi Fraternity Way.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, This resolution may be cited as the "95th Anniversary of the Washington, D.C. Alumni Chapter of Kappa Alpha Psi Fraternity Inc. Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia acknowledges and congratulates the Washington, D.C. Alumni Chapter of Kappa Alpha Psi Fraternity Inc. on their 95th Anniversary and on its legacy of Achievement.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-146

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To celebrate Ms. Ellen Simms Davis, a loving mother, grandmother, and native Washingtonian, on her eightieth birthday and acknowledge her many civic and professional contributions to the federal government and the residents of the District of Columbia.

WHEREAS, Ellen Simms Davis, mother to George Davis III and Eric S. Davis and grandmother of 5, was born in the District of Columbia to Rudolph Simms Sr. and Melvine Fortune Simms on September 30, 1939;

WHEREAS, Ellen Simms Davis matriculated through D.C. public schools, graduating from Spingarn High School in the class of 1956, where she was a majorette, and the University of the District of Columbia (formerly the Miner Teacher's College), where she performed with the college choir;

WHEREAS, Ellen Simms Davis was baptized and married at Simms Memorial Methodist Church, which was founded by her grandfather, Reverend Henson Simms;

WHEREAS, Ellen Simms Davis is a devout Christian and United Methodist activist, having represented the District of Columbia at numerous annual conferences in the 1990's;

WHEREAS, Ellen Simms Davis is a member of the McKendree-Simms-Brookland United Methodist Church (MSBUMC) of Washington, DC where she also sings in the choir, regularly attends bible study, is a member of the the United Methodist Women, and regularly serves communion to the sick and homebound;

WHEREAS, Ellen Simms Davis, an exemplary public servant and change agent, was appointed by Mayor Marion Barry for 2 terms on the D.C. Board of Medicine, was a diligent city-wide poll worker and member of the Bates Area Civic Association, and retired in 1994 as a Program Analyst in the U.S. Department of Navy, where she also worked as an Equal Employment Opportunity Counselor and was a member of the Blacks in Government (BIG);

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “The Ellen Simms Davis Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors Ellen Simms Davis on her eightieth birthday for her commitment to serving the residents of the District of Columbia and our nation.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To honor and recognize the National African American Male Wellness Initiative for their effort to raise awareness for preventable health diseases.

WHEREAS, The National African American Male Wellness Initiative (AAWALK) was established in 2004 to promote the process for men to understand that through prevention a person can live longer;

WHEREAS, black men live 7.1 years less than other racial groups, and 40% of black men die prematurely from cardiovascular disease as compared to 21% of white men;

WHEREAS, the driving inspiration for AAWALK mission is because African American men are dying from preventable diseases at 10 times the rate of other men;

WHEREAS, AAWALK has provided thousands of free health screenings in other states for 16 years, and increased community participation to over 50,000 nationally to impact the health challenges facing African American men;

WHEREAS, AAWALK has expanded its efforts to raise awareness for preventable health diseases for African American men to the District of Columbia and will have the inaugural walk/run on September 21, 2019 in Ward 8 at Anacostia Park;

WHEREAS, AAWALK has partner with the DC community and has named the Honorary Chair for the walk as Commissioner Franklyn M. Malone and The Backyard Band will provide a live performance; and

WHEREAS, the walk/run is free for all and health screening will be provided to men.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “The National African American Male Wellness Initiative Ceremonial Recognition Resolution of 2019”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes the National African American Male Wellness Initiative effort to increase awareness for preventable health diseases for African American men in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize the month of October 2019 as Breast Cancer Awareness Month in the District of Columbia.

WHEREAS, women in the District of Columbia have the highest incidence rate and the highest mortality rate of breast cancer in the nation;

WHEREAS, approximately 268,600 new cases of invasive breast cancer will be diagnosed in women before the end of 2019; of those cases, about 510 will occur in women in the District;

WHEREAS, the American Cancer Society estimates that about 41,760 women in the United States will die from the disease in 2019; of those cases, about 100 will be women in the District;

WHEREAS, approximately 2,670 new cases of invasive breast cancer will be diagnosed in men before the end of 2019; of those cases, about 500 men will die from the disease;

WHEREAS, there are several types of breast cancer—divided into non-invasive and invasive types—which can be diagnosed at different stages of development and can grow at different rates;

WHEREAS, if cancer is detected at an early stage, it can be treated before it spreads to other parts of the body;

WHEREAS, the exact cause of breast cancer is not fully understood, but there are many factors that increase the likelihood of developing it, including age and family medical history;

WHEREAS, the American Cancer Society is a 106-year-old, community-based, voluntary health organization, located both nationwide and in the District of Columbia, which is dedicated to eliminating cancer as a major health problem;

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WHEREAS, the American Cancer Society established Breast Cancer Awareness Month in 1985 to promote mammography as the most effective weapon in the fight against breast cancer;

WHEREAS, the District of Columbia anticipates the day when no woman or man has to be treated for this disease;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Breast Cancer Awareness Month Recognition Resolution of 2019.”

Sec. 2. The Council of the District of Columbia honors breast cancer patients, survivors, and their families and recognizes October as Breast Cancer Awareness Month to promote research for a cure.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-149

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize and honor the District of Columbia Water and Sewer Authority (“D.C. Water”) and to declare October 15, 2019 as “Drink DC Tap Water Day”.

WHEREAS, since 1859, DC Water, which has operated under different names, has been providing water service to the District of Columbia;

WHEREAS, in 1996, DC Water became the District of Columbia Water and Sewer Authority (DC WASA), an independent authority of the District of Columbia, providing services to the District of Columbia and suburban Maryland and Virginia;

WHEREAS, DC Water is the only regional water authority in the country that provides service across 3 different state jurisdictions;

WHEREAS, in 2010, DC Water rebranded and is viewed nationally as one of the most innovative and forward-leaning water utilities in the country;

WHEREAS, DC Water has a diverse workforce and numerous programs to help train and hire District residents;

WHEREAS, DC Water annually participates in more than 70 community, civic and governmental events in neighborhoods in all 8 wards;

WHEREAS, DC Water has multiple programs in place to assist customers with their water bills and operates as efficiently as possible as an independent government agency;

WHEREAS, DC Water tests drinking water more than 40,000 times a year to ensure it exceeds all standards for safety and quality as set by the Environmental Protection Agency;

WHEREAS, DC tap water is enhanced with fluoride to protect consumers from tooth decay and improve public health;

WHEREAS, DC Water is committed to helping customers remove their lead pipes and operates 3 lead service line replacement programs;

**ENROLLED ORIGINAL**

WHEREAS, DC Water offers free annual lead testing to residential and commercial customers;

WHEREAS, DC tap water is more than 1,000 times less expensive than bottled water;

WHEREAS, DC tap water is more convenient and more accessible than bottled water;

WHEREAS, DC tap water is more sustainable than bottled water and does not require harmful single use plastics in order to be enjoyed.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited at the “Drink DC Tap Water Day Ceremonial Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors D.C. Water for more than a century of providing drinking water to the citizens of the District of Columbia and declares October 15, 2019 as “Drink DC Tap Water Day”.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize the H Street Community Development Corporation (HSCDC) and its John A. Wilson Scholarship Program in the District of Columbia.

WHEREAS, John A. Wilson cared about poor people, cared about the District and cared about his country;

WHEREAS, September 29, 2019, would have been John A. Wilson’s birthday;

WHEREAS, the Honorable John A. Wilson devoted his career to serving the public and championing education and opportunities for youth;

WHEREAS, he started the John A. Wilson Basketball League with 700 youth, which grew to more than a thousand, and which fielded teams in all 8 wards for ages 7 to 18, requiring youngsters to maintain perfect school attendance or a C-plus average to be eligible;

WHEREAS, John A. Wilson was a founding member of the H Street Community Development Corporation (HSCDC);

WHEREAS, HSCDC created the John A. Wilson Scholarship Program in 2008 to help DC Public and Public Charter School students achieve a college education and improve the quality of life in the community;

WHEREAS, HSCDC is continuing John A. Wilson’s legacy by providing scholarships for students attending DC Public and Public Charter Schools;

WHEREAS, the John A. Wilson Scholarship Program inspires community service and neighborhood involvement;

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WHEREAS, HSCDC has awarded \$650,000 in scholarships to 67 students in the District since 2008;

WHEREAS, the 2020 John A. Wilson Scholarship awards will be made with the goal of encouraging recipients to consider careers in public and community service;

WHEREAS, HSCDC will present Financial Aid Literacy Workshops to empower applicants and their families to make informed decisions about how to finance the cost of higher education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “John A. Wilson Scholarship Program and the H Street Community Development Corporation Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Colombia recognizes, appreciates, and thanks the H Street Community Development Corporation for its commitment to creating opportunities for young people through its financial literacy workshops and the John A. Wilson Scholarship Program.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Colombia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-151

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize Hispanic Heritage Month by honoring the histories, cultures and contributions of American citizens whose ancestors came from Mexico, the Caribbean, Central and South America, and Spain.

WHEREAS, Hispanic heritage was first observed in 1968 as Hispanic Heritage Week under President Lyndon B. Johnson;

WHEREAS, Hispanic Heritage Week was expanded to a month by President Ronald Reagan on August 17, 1988;

WHEREAS, Hispanic Heritage Month is observed from September 15<sup>th</sup> to October 15<sup>th</sup>;

WHEREAS, September 15<sup>th</sup> is significant because it is the anniversary of the independence of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua;

WHEREAS, September 16<sup>th</sup> and September 18<sup>th</sup> are significant because Mexico and Chile celebrate Independence Day, respectively;

WHEREAS, Hispanic Heritage Month extends to October because October 12<sup>th</sup> is Día de la Raza;

WHEREAS, Many Hispanic Americans are the decedents of the Arawaks (Puerto Rico), the Aztecs (Mexico), the Incas (South America), the Maya (Central America), and the Tainos (in Cuba, Puerto Rico and other places), and Africa and Spain;

WHEREAS, the Mayor's Office on Latino Affairs (OLA) was established in 1976 by the Council as a key component of the "Latino Community Development Act", D.C. Law 1-86 and consequently strengthened the relationship between the community and the Mayor, the Council, District government agencies, private businesses, and community-based organizations;

WHEREAS, Pedro Casanave was a Spanish merchant who became the 5th mayor of Georgetown (modern-day D.C.);

## ENROLLED ORIGINAL

WHEREAS, Many notable Hispanic Americans include Franklin R. Chang-Díaz (Costa Rican American, Astronaut), Ileana Ros-Lehtinen (Cuban American, Congresswoman), Fernando Bujones (Cuban American, Ballet Dancer), Ana Sol Guitierrez (Salvadoran American, Maryland State Delegate), Christy Turlington (Salvadoran American, Model), Francisco Rubio (Salvadoran American, Astronaut), Raul Diaz Arce (Salvadoran American, Soccer Player), Nancy Lopez (Mexican American, Professional Golfer), Ellen Ochoa (Mexican American, Astronaut), Sandra Cisneros (Mexican American, Author), Lin Manuel Miranda (Puerto Rican American, Playwright), Sonia Sotomayor (Puerto Rican American, Supreme Court Justice,), and Jose Andres (Spanish American, Chef);

WHEREAS, Hispanics have had a profound and positive influence on the United States and the District through centuries-old traditions and customs that are embraced and valued in the District;

WHEREAS, President Obama signed an Executive Order in 2012 called the Deferred Action for Childhood Arrivals to provide legal status for undocumented young children who arrived into the United States;

WHEREAS, Washington, D.C. will not be complicit in the inhumane practice of detaining migrant children in warehouses or the separation of families;

WHEREAS, in Washington, D.C. the Salvadoran community is the majority foreign-born population and continues to contribute to the revitalization of the District;

WHEREAS, a significant number of the District's Salvadoran community members have Temporary Protected Status, a humanitarian program that has been canceled and are in urgent need for support and resources from the District;

WHEREAS, Deferred Action for Childhood Arrivals recipients are referred to as "Dreamers" and many of them reside in and make significant contributions to the District; and

WHEREAS, many Hispanics in the District are Dreamers and are in urgent need for the District to support the Deferred Action for Childhood Arrivals.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Hispanic Heritage Month Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes the exceptional contribution of Hispanic residents during Hispanic Heritage Month.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To declare the month of October 2019 as “Domestic Violence Awareness Month” in the District of Columbia.

WHEREAS, preserving and improving the dignity and safety of all District residents is the foundation of a vibrant and healthy community;

WHEREAS, domestic violence is a pattern of abusive behavior used to exert power and control over an intimate partner, and it jeopardizes the security and well-being of District residents;

WHEREAS, all forms of domestic violence – including physical, psychological, emotional, and economic – can have devastating consequences for survivors and their families;

WHEREAS, domestic violence can escalate into fatal conflicts, with 12 domestic violence-related fatalities in the District in 2018;

WHEREAS, a total of 5,921 petitions for civil protection orders were either filed or reopened in 2018;

WHEREAS, in 2018, the Office of Unified Communications reported that there were more than 30,000 calls for service for domestic violence-related incidents;

WHEREAS, youth in the District of Columbia deserve to be safe at school, in the home, and across the District;

WHEREAS, one in 3 adolescent girls in the United States is a victim of physical abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

**ENROLLED ORIGINAL**

WHEREAS, 24 percent of middle and high school students in the District of Columbia report experiencing violence by someone they were dating in the past 12 months;

WHEREAS, an estimated 8.5 million women in the United States have reported experiencing physical violence, rape, or stalking from an intimate partner before the age of 18;

WHEREAS, thirty nine percent of women in the District of Columbia have been subjected to sexual violence, physical violence, or stalking, and 50 percent reported experiencing psychological aggression by an intimate partner during their lifetime;

WHEREAS, domestic violence creates devastating economic costs for survivors, their families, and the community at large;

WHEREAS, nationally, women subjected to intimate partner violence lose nearly 13.6 million days of productivity each year, including 8 million days of paid work and 5.6 million days of childcare and other household work;

WHEREAS, community-based organizations are an essential resource to survivors of domestic violence;

WHEREAS, in 2018, in a single day, domestic violence programs served 589 survivors in the District of Columbia, with 404 survivors receiving emergency shelter or transitional housing and 185 survivors receiving non-residential assistance and services – including counseling, legal advocacy, and children’s support groups;

WHEREAS, community-based organizations serving survivors of domestic violence need local, regional, and national support to continue to be strong advocates for survivors and care for their needs;

WHEREAS, community-based organization serving survivors of domestic violence should be funded at levels that allow these organizations to pay service providers a living wage;

WHEREAS, domestic violence does not discriminate, including on the basis of age, gender identity, sexual orientation, disability, socio-economic status, religion, or race;

WHEREAS, there is a continuing need for survivors to have access to culturally specific services that respect a survivor’s cultural heritage, sexual orientation, gender identity, and other lived experiences;

**ENROLLED ORIGINAL**

WHEREAS, the Council of the District of Columbia will continue to partner with District agencies, community-based organizations, and residents to build a domestic violence continuum of care that supports survivors and allows them to flourish;

WHEREAS, the goal of Domestic Violence Awareness Month is to improve awareness about domestic violence and foster cooperation between public and private actors to end domestic violence in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Domestic Violence Awareness Month Recognition Resolution of 2019”.

Sec. 2. The Council declares the month of October 2019 as “Domestic Violence Awareness Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize Jesse Webb III, the 2019 winner of the District of Columbia Scholastic Citywide K to 8th grade Championship Chess Tournament.

WHEREAS, Jesse Webb III is a ten-year-old and 6th grader at Capitol Hill Learning Group, where his classmates admiringly call him Chess“e” Jesse, who has been raised and currently lives in Ward 7;

WHEREAS, Jesse Webb III’s chess journey really began as a toddler when he started doing jigsaw puzzles around a year old and by two and a half years old, was putting together 100-piece puzzles with ease;

WHEREAS, Jesse Webb III began playing chess when he was almost six years old with his dad, Jesse Webb Jr., quickly absorbing even the more complex strategies and, within a short time, beating his father at chess;

WHEREAS, Jesse Webb III, a voracious reader, devoured adult chess books his father got for him and fell in love with chess, teaching himself as much as he could from chess books for over a year until he met his chess coach, National Master David Bennett, who has consistently encouraged Jesse and taught him the most valuable lessons that chess offers and how they apply to life;

WHEREAS, Jesse Webb III, at nine years of age, entered into the Top 100 rated chess players nationally for his age;

WHEREAS, Jesse Webb III, at ten years old, won the D.C. State Championship in the K to 8th Grade category;

WHEREAS, Jesse Webb III represented the District of Columbia in Orlando, Florida at the 2019 Dewain Barber Tournament of K-8 Champions, a four-day tournament where invited



ENROLLED ORIGINAL

winner of the U.S. Chess State Affiliate championships compete for the title of 2019 Barber Champion of Champions;

WHEREAS, Jesse Webb III appreciates how chess brings many different types of people together from all over the world, and the many important lessons chess has taught him such as focus, preparation, learning from failure, and discipline;

WHEREAS, Jesse Webb III is extremely grateful for the many opportunities he has been given in his life and all who have supported him, cheered him on, and invested in him along the way, including all those who have donated to make the trip to Orlando for the 2019 Dewain Barber Tournament of K-8 Champions possible;

WHEREAS, Jesse Webb III teaches occasionally during his school's chess club, participates in church activities, plays baseball with his dad and brother, plays classical piano, and enjoys all things academic, especially writing, literature, and history, as well as helping others however he can; and

WHEREAS, Jesse Webb III hopes to one day to make a positive impact in our world and encourage others the way he has been encouraged.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Jesse Webb III Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes and congratulates Jesse Webb III for winning the District of Columbia Scholastic Cup Chess Tournament, qualifying for and attending the Dewain Barber Tournament of K-8 Champions, and for his exceptional achievements as a chess player, student and citizen.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

**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**

- |         |  |
|---------|--|
| B23-637 | Warehousing and Storage Eminent Domain Authority Act of 2020<br><br>Intro. 1-28-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development  |
| <hr/>   |  |
| B23-640 | District of Columbia Water and Sewer Authority Transparency Amendment Act of 2020<br><br>Intro. 2-4-20 by Councilmembers Cheh, Todd, Silverman, R. White, Grosso, Nadeau, Allen, and Bonds and referred to the Committee on Transportation and the Environment |
| <hr/>   |  |
| B23-641 | Dynamic Performance Parking Zone Amendment Act of 2020<br><br>Intro. 2-4-20 by Councilmembers Cheh and Allen and referred to the Committee on Transportation and the Environment   |
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- B23-642 African American and Cultural Studies Inclusion Amendment Act of 2020  
Intro. 2-4-20 by Councilmembers McDuffie, Todd, Silverman, T. White, Bonds, Allen, Grosso, Nadeau, Cheh, R. White, Gray, and Chairman Mendelson and referred sequentially to the Committee on Education and the Committee of the Whole
- 
- B23-643 Keeping Cool Elderly Tenants and Tenants with a Disability Amendment Act of 2020  
Intro. 2-4-20 by Councilmembers Bonds, Nadeau, T. White, Cheh, and Todd and referred to the Committee on Housing and Neighborhood Revitalization
- 
- B23-644 Consumer Net Neutrality Protection Act of 2020  
Intro. 2-4-20 by Councilmembers Grosso, Cheh, Silverman, and Bonds and referred to the Committee on Business and Economic Development
- 
- B23-645 BEGA Loophole Closure Amendment Act of 2020  
Intro. 2-4-20 by Councilmembers Grosso, Silverman, Allen, Bonds, and Cheh and referred to the Committee on Judiciary and Public Safety
- 
- B23-646 Social Emotional Learning Task Force Establishment Act of 2020  
Intro. 2-4-20 by Councilmembers Todd, T. White, Nadeau, R. White, Bonds, Cheh, McDuffie, and Chairman Mendelson and referred sequentially to the Committee on Education and the Committee of the Whole
- 
- B23-647 Adverse Childhood Experience Prevention Pilot Program Amendment Act of 2020  
Intro. 2-4-20 by Councilmembers Todd, Cheh, Bonds, R. White, T. White, and Nadeau and referred to the Committee on Judiciary and Public Safety
- 
- B23-648 Income Contingent Hazardous Tree Mitigation Program Amendment Act of 2020  
Intro. 2-4-20 by Councilmembers Todd and Bonds and referred to the Committee on Transportation and the Environment
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B23-649 Career Technical Education Partnership Pilot Program Amendment Act of 2020

Intro. 2-4-20 by Councilmembers T. White, Bonds, Nadeau, Cheh, and Todd and referred sequentially to the Committee on Education and the Committee of the Whole

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### **PROPOSED RESOLUTIONS**

PR23-666 Board of Barber and Cosmetology Mable Carter Confirmation Resolution of 2020

Intro. 1-27-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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PR23-673 2017 District of Columbia Construction Codes Approval Resolution of 2020

Intro. 1-29-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

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**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 23-0453, THE “FLAVORED ELECTRONIC SMOKING DEVICE PROHIBITION  
AMENDMENT ACT OF 2019”**

**BILL 23-0454, THE “PROHIBITION OF ELECTRONIC SMOKING SALES WITHOUT A  
PRESCRIPTION ACT OF 2019”**

**AND**

**BILL 23-0472, THE “ELECTRONIC SMOKING DEVICE SALES RESTRICTION  
AMENDMENT ACT OF 2019”**

**Tuesday, February 18, 2020, 2:00 p.m.  
Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Thursday, January 2, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, convened a public hearing to consider Bill 23-0453, the “Flavored Electronic Smoking Device Prohibition Amendment Act of 2019”; Bill 23-0454, the “Prohibition of Electronic Smoking Sales Without a Prescription Act of 2019”; and Bill 23-0472, the “Electronic Smoking Device Sales Restriction Amendment Act of 2019”. The hearing was recessed following public testimony and *will be reconvened for government testimony only* in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., on Tuesday, February 18, 2020, at 2:00 p.m.

The stated purpose of Bill 23-0453, the “Flavored Electronic Smoking Device Prohibition Amendment Act of 2019”, is to amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the sale or distribution of a flavored electronic smoking device.

The stated purpose of Bill 23-0454, the “Prohibition of Electronic Smoking Sales Without a Prescription Act of 2019”, is to prohibit the sale of any electronic smoking device or liquids used

in electronic smoking devices, unless the sale occurs at a licensed pharmacy to a person who has a prescription.

The stated purpose of Bill 23-0472, the “Electronic Smoking Device Sales Restriction Amendment Act of 2019”, is to amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the sale or distribution of an electronic smoking device within a quarter mile of a middle or high school.

For public witnesses who were unable to testify at the Committee’s January 2, 2020 hearing, the Committee will extend its comment period, and additional written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us). **The record will close at the end of the business day on Tuesday, February 25.**

**Council of the District of Columbia  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

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**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON  
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

**ENVISIONING ACCESS TO CIVIL LEGAL JUSTICE IN THE DISTRICT OF COLUMBIA**

**Thursday, March 19, 2020, 9:30 a.m.  
Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Thursday, March 19, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable on “Envisioning Access to Civil Legal Justice in the District of Columbia”. The roundtable will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

Low-income District residents’ civil legal needs are numerous and largely unaddressed. From housing to probate matters, consumer debt to domestic violence, deep inequities exist in access to civil justice. Recent data from the D.C. Superior Court show an extraordinarily high percentage of parties navigating complex legal matters without representation:

- 97% of plaintiffs in small estate matters in the Probate Division;
- 88% of petitioners and 95% of respondents in the Domestic Violence Division;
- 83% of plaintiffs and 93% of respondents in divorce and custody cases;
- 75% of plaintiffs in housing conditions cases;
- 97% of respondents in paternity and child support cases; and
- 88% of respondents in the Landlord Tenant Branch of the Civil Division (compared to 95% of landlords represented).

Data from the D.C. Court of Appeals are similar, ranging from 50% to 90% *pro se* representation, depending on case type. There are also high numbers of unrepresented parties at the Office of Administrative Hearings: 88% in student discipline appeals, 86% in appeals related to public benefits determinations, and 91% in disputes concerning unemployment compensation benefits.

The Committee’s roundtable will attempt to chart a path forward for access to civil legal justice in the District by exploring the following topics: public and private funding for legal services;

expanding *pro bono* efforts, including those provided by the District Government; the use of innovative legal services models like medical-legal partnerships and court-based projects that utilize limited scope representation, among other strategies; technological advancements; community partnerships with social workers, medical professionals, and other community stakeholders, including those that offer wrap-around supports; court-based and administrative strategies and reforms; community education; and legal services system coordination and cohesion. The roundtable will also consider the Council-created [Civil Legal Counsel Projects Program](#), which provides funding for counsel to many low-income residents in eviction cases.

*\*Please note that the roundtable will begin at 9:30 a.m. with a presentation by the D.C. Access to Justice Commission and testimony by the Chief Judges of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, after which the Committee will hear testimony from public witnesses.*

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, March 13**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).

Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee of the need as soon as possible, but no later than five business days before the roundtable. The Committee will make every effort to fulfill timely requests; however, requests received in fewer than five business days may not be fulfilled, and alternatives may be offered.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us). **The record will close at the end of the business day on Thursday, April 2.**



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**Bill 23-591**, Games of Skill Consumer Protection Temporary Amendment Act of 2019, **Bill 23-614**, CleanEnergy DC Omnibus Temporary Amendment Act of 2020, **Bill 23-622**, Condominium Warranty Claims Clarification Temporary Amendment Act of 2020, **Bill 23-636**, Warehousing and Storage Eminent Domain Authority Temporary Amendment Act of 2020, and **Bill 23-651**, Non-Public Student Educational Continuity Temporary Amendment Act of 2020 was adopted on first reading on February 4, 2020. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on March 3, 2020.

<p style="text-align: center;"><b>COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF JANUARY 31, 2020</b></p>
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**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>			
<b>NAME</b>	<b>POSITION TITLE</b>	<b>GRADE</b>	<b>TYPE OF APPOINTMENT</b>
Cleckley, Eric	Constituent Services Specialist	1	Excepted Service - Reg Appt
Siemson, Aimellia	Legislative Counsel	5	Excepted Service - Reg Appt
Bettters, Jordan	Administrative Aide	1	Excepted Service - Reg Appt

**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. 23-74:** Request to reprogram \$1,490,000 in Capital Funds budget authority and allotment from the Homeland Security and Emergency Management Agency to the Department of General Services was filed in the Office of the Secretary on January 29, 2020. This reprogramming is needed to support the revised cost estimate for the planning and design phase related to the purchaser of the W Street Transfer Station for the planning and design phase related to the purchase.

RECEIVED: 14-day review begins January 30, 2020

**Reprog. 23-75:** Request to reprogram \$1,550,000 of Fiscal Year 2020 Local funds within the Department of Employment Services was filed in the Office of the Secretary on January 29, 2020. This reprogramming is needed to provide funding for the D.C. Infrastructure Academy program design.

RECEIVED: 14-day review begins January 30, 2020

**Reprog. 23-76:** Request to reprogram \$1,550,000 of Fiscal Year 2020 Local funds within the Department of Employment Services was filed in the Office of the Secretary on January 29, 2020. This reprogramming is needed to provide funding for the D.C. Infrastructure Academy program design.

RECEIVED: 14-day review begins January 30, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
2/7/2020

Notice is hereby given that:

License Number: ABRA-091682

License Class/Type: C Tavern

Applicant: SST Management LLC

Trade Name: BIN-1301

ANC: 1B12

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

1301 U ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
3/23/2020

A HEARING WILL BE  
4/6/2020

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 AM - 2 AM	10 AM - 2 AM	6 PM - 11PM
Monday:	10 AM - 2 AM	10 AM - 2 AM	6 PM - 11 PM
Tuesday:	10 AM - 2 AM	10 AM - 2 AM	6 PM - 11 PM
Wednesday:	10 AM - 2 AM	10 AM - 2 AM	6 PM - 11 PM
Thursday:	10 AM - 2 AM	10 AM - 2 AM	6 PM - 11 PM
Friday:	10 AM - 3 AM	10 AM - 3 AM	6 PM - 11 PM
Saturday:	10 AM - 3 AM	10 AM - 3 AM	6 PM - 11 PM

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday	10 AM - 11 PM	10 AM - 11 PM
Monday:	10 AM - 11 PM	10 AM - 11 PM
Tuesday:	10 AM - 11 PM	10 AM - 11 PM
Wednesday:	10 AM - 11 PM	10 AM - 11 PM
Thursday:	10 AM - 11 PM	10 AM - 11 PM
Friday:	10 AM - 12 AM	10 AM - 12 AM
Saturday:	10 AM - 12 AM	10 AM - 12 AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*READVERTISEMENT**

Placard Posting Date: \*\*February 7, 2020  
Protest Petition Deadline: \*\*March 23, 2020  
Roll Call Hearing Date: \*\*April 6, 2020  
Protest Hearing Date: \*\*May 20, 2020

License No.: ABRA-116156  
Licensee: BSF4, LLC  
Trade Name: Butter Chicken Company 2  
License Class: Retailer’s Class “D” Tavern  
Address: 500 H Street, N.E.  
Contact: Jeff Jackson: (202) 251-1566

WARD 6

ANC 6C

SMD 6C05

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 \*\*April 6, 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 4:30 p.m.**

**NATURE OF OPERATION**

A new class D Tavern. Seating Capacity of 28 and a Total Occupancy Load of 38. Sidewalk Café with 45 seats.

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

Sunday through Saturday 10am – 12am

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

Sunday through Saturday 10am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: \*\*January 24, 2020  
Protest Petition Deadline: \*\*March 9, 2020  
Roll Call Hearing Date: \*\*March 23, 2020  
Protest Hearing Date: \*\*May 13, 2020

License No.: ABRA-116156  
Licensee: BSF4, LLC  
Trade Name: Butter Chicken Company 2  
License Class: Retailer’s Class “D” Tavern  
Address: 500 H Street, N.E.  
Contact: Jeff Jackson: (202) 251-1566

WARD 6

ANC 6C

SMD 6C05

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 23 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 13, 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

A new class D Tavern. Seating Capacity of 28 and a Total Occupancy Load of 38. Sidewalk Café with 45 seats.

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

Sunday through Saturday 10am – 12am

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

Sunday through Saturday 10am – 11pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: February 7, 2020  
 Protest Petition Deadline: March 23, 2020  
 Roll Call Hearing Date: April 6, 2020  
 Protest Hearing Date: May 20, 2020

License No.: ABRA-115922  
 Licensee: Colada Shop Wharf, LLC  
 Trade Name: Colada Shop  
 License Class: Retailer's Class "C" Restaurant  
 Address: 10 Pearl Street, S.W.  
 Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 6, 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**

A new class C Restaurant serving Cuban and Caribbean cuisine. Seating Capacity of 50, Total Occupancy Load of 125 with a Summer Garden with 30 Seats.

**HOURS OF OPERATION INSIDE OF THE PREMISES**

Sunday through Saturday 5am – 2am

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

Sunday through Saturday 8am – 2am

**HOURS OF OPERATION FOR THE OUTDOOR SUMMER GARDEN**

Sunday 6am – 1am, Monday and Tuesday 6am – 12am, Wednesday and Thursday 6am – 1am, Friday and Saturday 6am – 2am

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

Sunday 8am – 1am, Monday and Tuesday 8am – 12am, Wednesday and Thursday 8am – 1am, Friday and Saturday 8am – 2am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: December 20, 2019  
Protest Petition Deadline: February 3, 2020  
Roll Call Hearing Date: February 18, 2020  
Protest Hearing Date: April 8, 2020

License No.: ABRA-115938  
Licensee: F & T, LLC  
Trade Name: El Salvadoreno Restaurant  
License Class: Retailer's Class "C" Restaurant  
Address: 3303 Georgia Avenue, N.W.  
Contact: Ana De Leon, Esq: (202) 246-7601

WARD 1

ANC 1A

SMD 1A09

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on February 18, 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 **April 8, 2020 at 4:30 p.m.**

**NATURE OF OPERATION**

New Retailer's Class "C" Restaurant serving Mexican and Salvadorian food. Applicant is applying for an Entertainment Endorsement. Total seating inside is 68 with a Total Occupancy Load of 72.

**HOURS OF OPERATION**

Sunday through Thursday 6am – 2am  
Friday and Saturday 6am – 3am

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

Sunday through Thursday 8am – 2am  
Friday and Saturday 8am – 3am

**HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 6pm – 2am  
Friday and Saturday 6pm – 3am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 7, 2020
Protest Petition Deadline: March 23, 2020
Roll Call Hearing Date: April 6, 2020
Protest Hearing Date: May 20, 2020

License No.: ABRA-116092
Licensee: Howl DC, LLC
Trade Name: Howl at the Moon
License Class: Retailer's Class "C" Tavern
Address: 900 7th Street, N.W.
Contact: Sean T. Morris, Esq: (301) 654-6570

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 April 6, 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

A dueling piano bar with a live music concept offering a menu of traditional bar food and a full-service bar. Applicant requests to add an Entertainment Endorsement with Dancing and Cover Charge. Total Occupancy Load of 500 with seating for 450.

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

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

HOURS OF LIVE ENTERTAINMENT

Sunday 12pm – 1am, Monday through Thursday 2pm – 1am, Friday and Saturday 2pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 7, 2020
Protest Petition Deadline: March 23, 2020
Roll Call Hearing Date: April 6, 2020

License No.: ABRA-100407
Licensee: Ms. Hana, LLC
Trade Name: Mignot
License Class: Retailer's Class "C" Restaurant
Address: 4815 Georgia Avenue, N.W.
Contact: Rbeka Asefa: (202) 213-0744

WARD 4 ANC 4D SMD 4D06

Notice is hereby given that this licensee has requested Substantial Changes 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 April 6, 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 Class Change from Retailer's Class "C" Restaurant to Retailer's Class "C" Tavern.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
NOTICE OF PUBLIC HEARING

Placard Posting Date: February 7, 2020  
Protest Petition Deadline: March 23, 2020  
Roll Call Hearing Date: April 6, 2020

License No.: ABRA-109951  
Licensee: Chef Mikko, LLC  
Trade Name: Mikko Nordic Fine Foods  
License Class: Retailer’s Class “C” Restaurant  
Address: 1636 R Street, N.W.  
Contact: Mikko Kosonen: (202) 525-3919

WARD 2                      ANC 2B                      SMD 2B04

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 April 6, 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**

Request to change hours of operation and alcoholic beverage sales and service inside premises and for the Sidewalk Café.

**CURRENT HOURS OF OPERATION INSIDE OF THE PREMISES**

Sunday 10am – 6pm, Monday through Saturday 7am – 10pm

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

Sunday 10am – 6pm, Monday through Saturday 11am – 9:30pm

**CURRENT HOURS OF OPERATION FOR THE SIDEWALK CAFÉ**

Sunday 10am – 4pm, Monday through Saturday 7am – 10pm

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE SIDEWALK CAFÉ**

Sunday 10am – 4pm, Monday through Saturday 11am – 9:30pm

**PROPOSED HOURS OF OPERATION INSIDE OF THE PREMISES**

Sunday 9am – 12am, Monday through Friday 8am – 2am, Saturday 9am – 2am

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

Sunday 9am – 12am, Monday through Saturday 9am– 2pm

**PROPOSED HOURS OF OPERATION FOR THE SIDEWALK CAFE**

Sunday 9am – 11pm, Monday through Thursday 7am – 11pm, Friday and Saturday 7am – 12am

**PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ**

Sunday 9am – 11pm, Monday through Thursday 8am – 11pm, Friday 8am – 12 am, Saturday 9am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 7, 2020
Protest Petition Deadline: March 23, 2020
Roll Call Hearing Date: April 6, 2020
Protest Hearing Date: May 20, 2020

License No.: ABRA-116210
Licensee: Ammi, LLC
Trade Name: Monterrey
License Class: Retailer's Class "C" Restaurant
Address: 1201 Pennsylvania Avenue, N.W.
Contact: Andrew Harris: (202) 374-5007

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 April 6, 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

Sri Lankan food with table service, as well as bar bites with a Mexican flair. Total Occupancy Load of 346 including 86 exterior seats on a Summer Garden.

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

Sunday through Saturday 11am – 2am.

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

Sunday through Saturday 11am – 12am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 7, 2020
Protest Petition Deadline: March 23, 2020
Roll Call Hearing Date: April 6, 2020
Protest Hearing Date: May 20, 2020

License No.: ABRA-116268
Licensee: 5K Baller, LLC
Trade Name: Play off Pizza
License Class: Retailer's Class "C" Tavern
Address: 924 5th Street, N.W.
Contact: Mark Brody: (202) 316-9850

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 April 6, 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

Sports Bar with pizza, wings, and other bar food. Total Occupancy Load of 199 with seating for 199. Licensee is applying to include Sports Wagering in their operations. Establishment will have three kiosks and mobile geo fenced applications inside the premises. Additionally, Licensee requests to offer the Dragon's Ascent electronic game of skill at three game machines. Licensee is also requesting an Entertainment Endorsement.

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

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

HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
2/7/2020

Notice is hereby given that:

License Number: ABRA-109849

License Class/Type: C Tavern

Applicant: Final Jahanbin

Trade Name: Sister's Mediterranean Corner Cafe

ANC: 1B09

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

2827 Sherman AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
3/23/2020

A HEARING WILL BE  
4/6/2020

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	-
Monday:	9 am - 2 am	9 am - 2 am	-
Tuesday:	9 am - 2 am	9 am - 2 am	-
Wednesday:	9 am - 2 am	9 am - 2 am	-
Thursday:	9 am - 2 am	9 am - 2 am	-
Friday:	9 am - 2 am	9 am - 2 am	-
Saturday:	9 am - 2 am	9 am - 2 am	-

	Hours Of Sidewalk Cafe	Hours Of Sales Sidewalk Cafe
Sunday:	9 am - 11 pm	9 am - 11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
Friday:	9 am - 11 pm	9 am - 11 pm
Saturday:	9 am - 11 pm	9 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
NOTICE OF PUBLIC HEARING**

Placard Posting Date: February 7, 2020  
Protest Petition Deadline: March 23, 2020  
Roll Call Hearing Date: April 6, 2020

License No.: ABRA-113253  
Licensee: Scribone LLC  
Trade Name: Surfside  
License Class: Retailer's Class "C" Restaurant  
Address: 4200 Wisconsin Avenue, N.W.  
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 3

ANC 3E

SMD 3E05

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 April 6, 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 OPERATION**

Applicant requests an Entertainment Endorsement to provide live entertainment inside premises and outside in Summer Garden.

**HOURS OF OPERATION FOR CARRY-OUT AND SIDEWALK CAFÉ**

Sunday-Saturday 12am to 12am (24-hour operations)

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

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

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE FOR SIDEWALK CAFÉ**

Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 1am

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION OUTSIDE IN SUMMER GARDEN**

Sunday through Thursday 8am – 1am, Friday and Saturday 8am – 2am

**PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES**

Sunday through Thursday 11am – 12am, Friday and Saturday 11am – 1am

**PROPOSED HOURS OF LIVE ENTERTAINMENT OUTSIDE IN SUMMER GARDEN**

Sunday through Thursday 11am – 11pm, Friday and Saturday 11am – 12am

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

On May 22, 2019, the D.C. State Health Planning and Development Agency (SHPDA) denied Vesper's application for a certificate of need to establish non-emergency ambulance services. On July 19, 2019, the SHPDA denied reconsideration of the application; and, shortly thereafter, Vesper filed a Notice of Appeal with the Office of Administrative Hearings (OAH) appealing the denial of the application. On December 19, 2019, the OAH remanded the matter to the SHPDA.

The SHPDA will now hold a public hearing to receive testimony from all interested/affected parties before making a further determination on the establishment of non-emergency ambulance services.

The public hearing will be held on Thursday, February 13, 2020, at 10:00 a.m., at 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Room 6002, Washington, D.C. 20002.

At this public hearing, Vesper will be given a period of up to one hour to make their presentation. Each public commentator, whether scheduled or unscheduled, will have up to five minutes to present their testimony. The time limit will be enforced by the Hearing Officer. Written statements may also be submitted to the SHPDA before the record closes at 4:45 p.m. on Thursday, February 20, 2020.

Persons who wish to testify should contact the SHPDA on (202) 442-5875 before 4:45 p.m., by Wednesday, February 12, 2020.



**BOARD OF ZONING ADJUSTMENT  
REVISED 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  
ANC 6E      **Application of Bernard Berry**, 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 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  
ANC 5C      **Application of Rula Malky**, pursuant to 11 DCMR Subtitle X, 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  
ANC 5E      **Application of Andrew Lewczyk**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, and pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot occupancy requirements of Subtitle D § 304.1, to construct a second-story rear 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 3D      **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 5022 Cathedral Avenue N.W. (Square 1439E, Lot 6).

**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። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

*Chinese*

您需要有人帮助参加活动吗?

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

*French*

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

*Korean*

참여하시는데 도움이 필요하세요?

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

*Spanish*

¿Necesita ayuda para participar?

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

*Vietnamese*

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

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**

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, APRIL 1, 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 EIGHT**

20234  
ANC 8C      **Application of Kuumba Learning Center, Inc**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 320.1(a) and Subtitle U § 203.1(h) and 203.1(m), to permit a private school and child development center use with total of 160 students and 32 staff in the RF-1 Zone at premises 3328, 3330, and 3332 Martin Luther King Junior Avenue S.E. (Square 5978, Lots 1036, 1037 and 884).

**WARD SEVEN**

20237  
ANC 7D      **Application of Timothy Holtz**, pursuant to 11 Subtitle X, Chapter 10, for a variance from the lot occupancy requirements of Subtitle E § 304.1, to construct a one-story rear addition and a deck to an existing attached principal dwelling unit in the RF-1 Zone at premises 2002 C Street N.E. (Square 4558, Lot 31).

**WARD SIX**

20240  
ANC 6B      **Application of Schmidt Development, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential conversion regulations of Subtitle U § 320.2, under Subtitle U § 320.2(l) from the requirements of Subtitle U § 320.2(e) and U § 320.2(h), under U § 301.1(g) from the requirements of U § 301.1(c)(2), and under Subtitle E § 5201 from the accessory building lot occupancy provisions of Subtitle E § 5003.1, to construct a third story and a rear addition to convert a single-family dwelling unit into two dwelling units and to expand an accessory building for a third residential unit in the RF-1 Zone at premises 1330 K Street S.E. (Square 1046, Lot 862).

## BZA PUBLIC HEARING NOTICE

APRIL 1, 2020

PAGE NO. 2

**WARD ONE**

20241  
ANC 1B            **Application of Jerry Thomas**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the MU-Use Group E requirements of Subtitle U § 513.1(a), to allow an animal boarding use to an existing mixed-use building in the MU-5 Zone at premises 907 Barry Place N.W. (Square 2882, Lot 1041).

**WARD TWO**

20242  
ANC 2E            **Application of IDI Water Street, L.C.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 710.3 from the parking lot location requirements of Subtitle C § 710.2 (a), and pursuant to Subtitle X, Chapter 10, for variances from the driveway width requirement of Subtitle C § 711.6 (a), from the minimum dimensions for full-sized parking spaces and aisles of C § 712.5, and from the minimum dimensions for compact parking spaces and aisles of C § 712.6, to construct a 7-story residential building in the MU-13 Zone at premises 3401-3403 Water Street N.W. (Square 1183, Lot 813).

**WARD ONE**

20244  
ANC 1C            **Application of 1777 Bond Street Equities LLC and Columbia Road of DC LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2, from the minimum parking requirement of Subtitle C § 701.5, to construct a 40 new residential units and ground level retail addition to an existing mixed-use building in the MU-5A Zone at premises 1767-1777 Columbia Road N.W. (Square 2580, Lot 522).

## 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

BZA PUBLIC HEARING NOTICE

APRIL 1, 2020

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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። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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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

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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?

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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:**                      **Monday, March 16, 2020, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

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

**CASE NO. 20-01 (Office of Planning – Proposed Text Amendment to General Waterfront Regulations)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

On January 24, 2020 the Office of Planning (“OP”) filed a report (the “OP Setdown Report”) that served as a petition to the Zoning Commission for the District of Columbia (the “Commission”) proposing text amendments to the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified):

**Subtitle C: General Rules**

§ 1102 – to change certain uses currently prohibited in the one-hundred (100)-year floodplain to be permitted by special exception subject to specific criteria and review and report by the District Department of Energy and Environment (“DOEE”).

The OP Setdown Report requested flexibility to work with the Office of the Attorney General (“OAG”) on the final text.

The proposed text amendment would apply city-wide.

At its public meeting held on January 27, 2020, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing, with flexibility to work with OAG.<sup>1</sup>

The complete record in the case, including the OP Setdown Report and the transcript of the public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

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<sup>1</sup> Although the Commission at the public meeting agreed to OP’s request to shorten the notice period prior to the public hearing to 30 calendar days, § 13 of the Advisory Neighborhood Commission Act (D.C. Law 1-21, as amended; D.C. Official Code § 1-309.10) requires a 30 business day period between the publication of the notice of the public hearing in the *D.C. Register* and the public hearing.

**PROPOSED TEXT AMENDMENT**

The proposed amendments to the text of the Zoning Regulations are as follows) text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

**I. Proposed Amendments to Subtitle C, WATERFRONT**

**Section 1102, GENERAL WATERFRONT REGULATIONS, of Chapter 11, WATERFRONT, of Subtitle C, GENERAL RULES, is amended by revising § 1102.4, adding a new § 1102.5, and renumbering current §§ 1102.5 and 1102.6 as new §§ 1102.6 and 1102.7, to read as follows:**

1102.1 A waterfront setback to any building ...

...

1102.4 The following uses ~~are prohibited~~ **shall be permitted as a special exception** within a one hundred (100)-year floodplain (“floodplain”), **if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 and subject to the conditions in Subtitle C § 1102.5:**

- (a) Residential uses with only one (1) or two (2) dwelling units;
- (b) Animal sales, care, and boarding;
- (c) Community-based institutional facilities;
- (d) Daytime care;
- (e) Education;
- (f) Emergency shelter;
- (g) Hospital; and
- (h) Lodging.

**1102.5 The following conditions shall apply to any application for a special exception use under Subtitle C § 1102.4:**

- (a) The application shall include an analysis that provides the following:**

- (1) A site plan showing floodplain boundaries and base flood elevations for the property that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;
  - (2) A description of how the project has been designed to meet applicable flood resistant design and construction standards that is certified by a registered professional engineer, architect, landscape architect, or other qualified person;
  - (3) An evacuation plan that describes the manner in which the property would be safely evacuated before or during the course of a one hundred (100)-year flood event; and
  - (4) A description of how of the proposed use would not result in any adverse impacts to the health or safety for the project's occupants or users due to the proposed use's location in the floodplain; and
- (b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation if filed to the case record within the forty (40)-day period established by Subtitle A § 211:
- (1) District Department of Energy and Environment (DOEE);
  - (2) District of Columbia Fire and Emergency Medical Service Department (FEMS);
  - (3) Metropolitan Police Department (MPD); and
  - (4) The District of Columbia Homeland Security and Emergency Management Agency (HSEMA).

~~1102.5~~ 1102.6 Parking space requirements for the waterfront areas are ...

~~1102.6~~ 1102.7 The following structures and projections may encroach ...

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

**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 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. | Organizations | 5 minutes each |
| 2. | 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.

**“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 (7) days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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**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.

**ለሚሳተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት 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።

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

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-87; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)), and D.C. Official Code §§ 25-351, *et seq.* (2012 Repl.), as amended, hereby gives notice of the adoption of amendments to Section 304 (Adams Morgan Moratorium Zone) of Chapter 3 (Limitations On Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

Specifically, the final rulemaking would: (1) continue the moratorium on on-premises retailer's licenses, classes CN, DN, CT, DT, CX, and DX, issued in a portion of Adams Morgan; (2) cap the total number of tavern and multipurpose facility licenses in this area at ten (10); (3) extend the moratorium zone to cover eighteen hundred feet (1,800 ft.) in all directions from 2459 18<sup>th</sup> St., N.W., Washington, D.C. 20009; and (4) keep the moratorium in place for three (3) years.

**I. PROCEDURAL BACKGROUND**

The Adams Morgan Moratorium Zone (AMMZ), promulgated at 23 DCMR § 304, was scheduled to expire on August 27, 2018. On August 15, 2018, the Board adopted emergency rules to prevent the moratorium from expiring and to give it the opportunity to hold a public hearing concerning the future of the AMMZ. *See* Adams Morgan Moratorium Zone Notice of Emergency Rulemaking, at 65 DCR 11521 (October 12, 2018)[EXPIRED].

On October 3, 2018, the Board held a public hearing for purposes of hearing from the public about the future of the Adams Morgan Moratorium. The following entities testified at the hearing: (a) the Adams Morgan Partnership Business Improvement District; (b) Advisory Neighborhood Commission 1C; (c) the Kalorama Citizens Association; and (d) the Reed-Cooke Neighborhood Association. Several residents also submitted oral or written comments to the Board. *See* the Adams Morgan Moratorium Zone Notice of Emergency and Proposed Rulemaking, at 66 DCR 3502 (March 22, 2019)[EXPIRED], for a complete summary of all the comments received.

After duly considering the public's comments, the Board voted six (6) to zero (0), on November 28, 2018, to adopt the Adams Morgan Moratorium Zone Notice of Emergency and Proposed Rulemaking. *Id.* In reaching its decision, the Board was persuaded by the public's comments concerning the adverse impact that ABC-licensed establishments in Adams Morgan have on the peace, order, and quiet in the Adams Morgan community, particularly as it relates to noise. The Board also noted the impact ABC-licensed establishments have on the residential parking needs of the community, traffic congestion, and pedestrian safety. *Id.*

The emergency and proposed rulemaking was published in the *D.C. Register* for public comment on March 22, 2019, at 66 DCR 3502. The Board did not receive any comments from the public during this time. Having not received any comments to the emergency and proposed

rulemaking, the Board voted six (6) to zero (0) on April 24, 2019, to send the rulemaking to the Council for the District of Columbia (Council) for the mandatory ninety (90)-day Council Review Period. The rulemaking was introduced to the Council on July 9, 2019, and assigned proposed resolution number, PR23-0442. See <http://lims.dccouncil.us/Legislation/PR23-0442>.

Prior to sending the emergency and proposed rulemaking to the Council, the Board adopted a second emergency rulemaking. The Board took this course of action in order to prevent the emergency rules from expiring while the Council reviews the proposed rules. See Adams Morgan Moratorium Zone Notice of Second Emergency Rulemaking, at 66 DCR 6208 (May 17, 2019) [EXPIRED]. The Board adopted two subsequent emergency rules during the pendency of the Council review period. See Adams Morgan Moratorium Zone Notice of Third Emergency Rulemaking, at 66 DCR 14499 (August 23, 2019)[EXPIRED]; and Adams Morgan Moratorium Zone Notice of Fourth Emergency Rulemaking, at 66 DCR 443 (January 17, 2020).

## II. THE BOARD'S DECISION TO ADOPT THE FINAL RULES

In accordance with D.C. Official Code § 25-211(b)(2), these moratorium rules were deemed approved on December 17, 2019, absent affirmative disapproval by the Council. As such, the rules are now ripe for the Board to take final action. Therefore, on January 8, 2020, the Board voted five (5) to zero (0) to adopt the rules as final.

These final rules shall supersede the fourth emergency rules. The Board did not make any substantive changes to the rulemaking since it was published in the *D.C. Register* at 66 DCR 3502 (March 22, 2019).

The rules will take effect five (5) days after the notice of final rulemaking is published in the *D.C. Register*.

**Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**Strike the current Section 304, ADAMS MORGAN MORATORIUM ZONE, in its entirety, and insert the following in its place, to read as follows:**

### **304 ADAMS MORGAN MORATORIUM ZONE**

304.1 No new Retailer's License Class CN, CT, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that extends approximately eighteen hundred (1800) feet in all directions from 2459 18<sup>th</sup> St., N.W., Washington, D.C. 20009. This area shall be known as the Adams Morgan Moratorium Zone.

304.2 The Adams Morgan Moratorium Zone is more specifically described as beginning at 18<sup>th</sup> Street and Vernon Street, NW; and proceeding on both sides of all streets, unless otherwise noted; West on Vernon Street to 19<sup>th</sup> Street; Northwest on 19<sup>th</sup> Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20<sup>th</sup> Street;

Northwest on 20<sup>th</sup> Street to Belmont Road; West on Belmont Road to Waterside Drive; North on Waterside Drive to Allen Place; East on Allen Place to 20<sup>th</sup> Street; North on 20<sup>th</sup> Street to Biltmore Street; North on Biltmore Street to Calvert Street; East on Calvert Street to Lanier Place; Northeast on Lanier Place to Adams Mill Road; Northwest on Adams Mill Road, and then Northeast to Ontario Road; East on Ontario Road to Lanier Place; Northeast on Lanier Place to Quarry Road; Southeast on Quarry Road to Columbia Road; Northeast on Columbia Road to Mozart Place; South on Mozart Place to Euclid Street; East on Euclid Street to 16<sup>th</sup> Street; South on the West side of 16<sup>th</sup> Street to Florida Avenue; Southwest on Florida Avenue to U Street, and West on U Street to 18<sup>th</sup> Street, Washington, D.C.

- 304.3 The following license classes shall be exempt from the Adams Morgan Moratorium Zone:
- (a) All restaurants, whether present or future;
  - (b) All hotels, whether present or future; and
  - (c) Retailer's licenses Class A and B.
- 304.4 The number of Retailer's licenses Class CT, CX, DT, or DX located within the Adams Morgan Moratorium Zone shall not exceed ten (10). The number of Retailer's licenses Class CN or DN shall not exceed zero (0). The holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class except when the number of Retailer's licenses Class CT, CX, DT, or DX in the Adams Morgan Moratorium Zone is fewer than ten (10). Nothing in this subsection shall prohibit the Board from approving a change of license class application that was filed with the Board by the holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone prior to August 2, 2006.
- 304.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class CR, CT, CX, DR, DT, and DX within the Adams Morgan Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 304.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Adams Morgan Moratorium Zone to a new location within the Adams Morgan Moratorium Zone.
- 304.7 A license holder outside the Adams Morgan Moratorium Zone shall not be permitted to transfer its license to a location within the Adams Morgan Moratorium Zone, unless exempt by § 304.3.



- 304.8        Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
  
- 304.9        The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
  
- 304.10      This section shall expire three (3) years after the date of publication of the notice of final rulemaking in the District of Columbia Register.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in § 105 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.* (2016 Repl.)), and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of the adoption of the following changes to Chapter 31 (Civil Infractions: Administrative Procedures) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking updates outdated regulations that are no longer followed in practice, and which currently prevent people from paying their Notice of Infraction (NOI) fines or Special Tax Assessments via credit card or other forms of electronic payment. It is essential that DCRA be responsive to current expectations, norms and methods of conducting business. District property owners and businesses needing to pay an NOI fine or Special Tax Assessment may not maintain a checking account or carry on their person the large amount of cash needed to pay a fine or special tax assessment. For a business, not being able to pay an outstanding financial liability prevents them from having their business license reinstated; which highlights the need for a quick way to resolve financial obligations. Credit cards and other cashless payment options also provide greater security by eliminating the need to safeguard cash, and reduce data entry accounting errors.

Specifically, this rulemaking allows people to pay NOI fines and special tax assessments via credit cards and other forms of electronic payment; (2) clarifies how the Director will monitor and verify the abatement of violations; and (3) substitutes the Office of Administrative Hearings for the Director where appropriate.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 11, 2019, at 66 DCR 013392. No comments were received.

These rules were adopted as final on January 30, 2020, and shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 31, CIVIL INFRACTIONS: ADMINISTRATIVE PROCEDURES, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:**

**Section 3101, NOTICE OF INFRACTION, is amended as follows:**

**Subsection 3101.3(e)(4) is amended to read as follows:**

3101.3 An NOI shall include the following:

...

(e) Notification of the following:

...

(4) That the acceptable forms of payment are as follows:

(A) Cash, which is not acceptable by mail; or

(B) A personal check, company check, certified check, cashier's check, postal money order, bank money order payable to the order of the District of Columbia Treasurer, or credit card or other form of electronic payment; and

**Section 3103, ANSWERING THE NOTICE OF INFRACTION, is amended as follows:**

**Subsections 3103.5, 3103.6, 3103.9, 3103.10, 3103.12, and 3103.14 are amended to read as follows:**

3103.5 If a respondent admits an infraction with explanation, the respondent shall indicate on the back of the NOI whether respondent requests a hearing or adjudication by mail. If a respondent fails to indicate whether a hearing or adjudication by mail is requested, the Office of Administrative Hearings, in accordance with its rules, shall schedule a hearing and send the respondent a notice of hearing.

3103.6 If a respondent denies an infraction, the Office of Administrative Hearings will schedule a hearing, in accordance with its rules.

3103.9 To answer an NOI in person, a respondent shall appear at the following address between the hours of 9:00 a.m. - 5:00 p.m., Monday through Friday, except on legal holidays:

**Office of Administrative Hearings  
441 Fourth Street, N.W., Suite 450N  
Washington, D.C. 20001**

3103.10 To answer an NOI by mail, a respondent shall mail the completed NOI, postmarked within fifteen (15) days from the date of service, to the following address:

**Office of Administrative Hearings  
441 Fourth Street, N.W., Suite 450N  
Washington, DC 20001**

3103.12 If a respondent responds to an NOI but does not pay the stated fine, and fails to indicate an answer, the respondent shall be deemed to have denied the infraction, and the Office of Administrative Hearings shall schedule a hearing, in accordance with its rules.

3103.14 If a respondent challenges an NOI as defective on its face, an ALJ may review the NOI prior to a hearing and, if the ALJ determines that the NOI is defective on its face, dismiss the NOI. If the ALJ does not dismiss the NOI, the respondent shall be deemed to have denied the infraction and the Office of Administrative Hearings shall schedule a hearing, in accordance with its rules.

**Section 3104, ABATEMENT OF INFRACTION, is amended as follows:**

**Subsection 3104.1 is amended to read as follows:**

3104.1 The Director shall monitor and verify the abatement of all violations. Respondent will be subject to additional NOIs for failure to abate.

**Section 3116, PAYMENT, is amended as follows:**

**Subsection 3116.1 is amended to read as follows:**

3116.1 The following shall be the only acceptable forms of payment of a fine, penalty, cost, or other charge imposed under this chapter or the Act:

- (a) Cash;
- (b) Credit Card or other electronic payment; or
- (c) A personal check, company check, certified check, cashier's check, postal money order, or bank money order payable to the order of the District of Columbia Treasurer.

## DEPARTMENT ON DISABILITY SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department on Disability Services (DDS), pursuant to the authority set forth in Sections 109 and 113 of the Department on Disability Services Establishment Act of 2006 (Act), effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code §§ 7-761.09 and 7-761.13 (2018 Repl. & 2019 Supp.)), hereby gives notice of the adoption of a new Chapter 132, “Department on Disability Services Formal Complaint System,” of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These final rules “establish a process for the resolution of formal complaints, including formal complaints filed with a provider,” and are consistent with the provisions of Title I of the Disability Services Reform Amendment Act of 2018 (DSRAA), effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-761.13 (2018 Repl. & 2019 Supp.)). In accordance with D.C. Official Code § 7-761.09(a-2)(2), these final rules were submitted to the Council of the District of Columbia with PR 23-528, the “Department on Disability Services Formal Complaints System Rulemaking Approval Resolution of 2019,” for a 45-day period of review and were deemed approved on January 23, 2020.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 28, 2019, at 66 DCR 7669-7687. DDS received timely written comments to the proposed rulemaking from Disability Rights DC at University Legal Services on July 22, 2019, and from Quality Trust for Individuals with Disabilities on July 26, 2019. The following sixteen (16) revisions were made to five of the nine sections in response to these stakeholders’ written comments, unless otherwise specified, or based on further review of the proposed rules by the agency as indicated:

- (1) Revising § 13202.6(a) and (b) to require the complaint coordinator to place an administrative hold on a complaint filed by a person that DDS refers to its Incident Management and Enforcement Unit (IMEU), to provide notice of that administrative hold to the person, and, upon completion of an IMEU investigation, to contact the person to determine whether the person wants the complaint to continue through the DDA Complaint System or be administratively closed.
- (2) Revising § 13202.10 at Subsection (a) to require the DDS Director to grant a waiver of the 90 calendar day filing requirement in the three specific instances listed at paragraphs (a)(1)-(3); deleting the “any other basis” language in paragraph (a)(4) in lieu of a new Subsection (b) that similarly gives the Director discretion to “grant a waiver for other reasons that he or she deems to be reasonable”; and relettering the remaining proposed Subsections (b) and (c) to become new Subsections (c) and (d).
- (3) Including a new first sentence in § 13202.12 to clarify that the DDA Complaint System may not be used to challenge a pending IMEU investigation or to appeal the report of an IMEU investigation. This change was based on the agency’s review and in response to the changes made to § 13202.6 as requested by the commenters described above.
- (4) Adding language to § 13202.16 to clarify that the external reviewers’ review of and recommendations for the resolution of issues are to be “timely, neutral and impartial”; to further specify, that within DDS, it is the DDS Director, or his or her designee, that

- maintains authority to select the external reviewers; and to include the three required qualifications from the DSRAA for external reviewers.
- (5) Revising § 13203.2, consistent with the DSRAA, to specify that both DDS and the provider must continue to serve a person receiving supports or services without limitation, reduction, or termination pending the resolution of an open complaint regarding those supports or services.
  - (6) Revising § 13204.3 to clarify that the complaint should be filed with the provider and using the provider's complaint process when "the complaint concerns any alleged action(s) by the provider, or alleged failure(s) of the provider to act when it should have taken action."
  - (7) Adding to § 13204.5 a third sentence stating that, "The provider shall give the person written acknowledgment of receipt of the filed complaint." This mirrors the requirement in § 13205.9 for DDA, requiring that DDA give a person a dated written copy of a complaint filed with the DDA Complaint System.
  - (8) Revising § 13204.6 for providers to be consistent with the revisions made in § 13202.10 for DDA to specify that, for four specific reasons, the provider Chief Executive Officer (CEO) or his or her equivalent must grant a waiver of the 90 calendar day filing requirement, and may, for a fifth "any other reasonable basis" reason, exercise discretion to grant or deny the waiver.
  - (9) Revising § 13204.8 for the provider's complaint process to be consistent with changes made to § 13202.6 for the DDA Complaint System, specifically with regard to placing a person's complaint on administrative hold until DDS's IMEU investigation has been completed, providing notice of that administrative hold to the person, and, upon completion of the IMEU investigation, contacting the person to determine whether the person wants the complaint to continue through the provider's complaint process or be administratively closed where the issues have been resolved.
  - (10) Adding two sentences to § 13204.10 to clarify that the provider's final written decision must be sent to the person, their representative, if any, and the person who filed the complaint and that a final decision may be redacted before being sent to the person who filed the complaint if it is not the person or their representative (*i.e.* a third party) in order to protect the privacy of the person.
  - (11) Deleting the two final sentences from § 13205.5 because they do not relate to the central point in the first sentence of this section that a person who receives DDA supports and services and has a complaint is not required to use the DDA Complaint System, but instead may pursue other legal, administrative, or informal relief.
  - (12) Adding to § 13205.9 the citation to the District of Columbia Municipal Regulations (DCMR) at Title 6B, Personnel, as set forth in 6B DCMR §§ 3113.1 to 3113.14, Disclosure of Information, to support that confidential DDS personnel information may neither be disclosed nor be kept in a Complaint File. The stakeholders believed that DDS personnel information should be considered by the external reviewer and be included in the Complaint File if relevant notwithstanding the fact that it is protected from disclosure.
  - (13) Clarifying in § 13205.10 that both DDA and the person have the opportunity to be heard and present evidence where a complaint is about DDA.
  - (14) Amending § 13205.11 at Subsection (a) to be consistent with the revisions to § 13202.6 with respect to administrative holds for IMEU investigations, deleting the proposed Subsection (b), which related to filing of complaints while an IMEU investigation is

- pending because it is no longer necessary because of the revisions to § 13202.6, and relettering the remaining proposed Subsections (c) and (d) to become new Subsections (b) and (c).
- (15) Rewriting § 13205.12, Stage Two: External Review, to eliminate the Preliminary Step that had been included in proposed Subsection (a), which requires relettering of proposed Subsections (b) and (c) to become new Subsections (a) and (b); to amend the language in new Subsection (a) to specifically provide for mediation by the external reviewer, who may require attendance by representatives of DDA and any provider, and permit the parties to be represented at their own expense during Stage Two, Part A, which shall not exceed fifteen (15) calendar days without consent from DDS and the person; and to amend the language in new Subsection (b) to clarify that the external reviewer may require attendance by DDA and any provider at the fact-finding hearing, that the respective parties may be represented (at their own expense) and may call witnesses, and that Stage Two, Part B shall not exceed thirty (30) calendar days without consent from DDS and the person. The overall time frame for the Stage Two: External Review remains at forty-five (45) calendar days.
- (16) Rewriting § 13205.13, Stage Three: External Reviewer's Final Report and DDS Director's Decision, at Subsection (b) to specify who is to receive the external reviewer's final written report, to provide that the final written report may be redacted to protect the privacy of the person if the complaint filer is a third party, and to clarify what is required to be included in the final written report; at Subsection (c) to include a single sentence to give the parties an opportunity to respond to the external reviewer's final written report, and placing the remaining language that had been in proposed subsection into a new Subsection (d); and at new Subsection (d) to specify who is to receive the DDS Director's final report and to provide that the final decision may be redacted to protect the privacy of the person if the complaint filer is a third party.

In addition, DDS declined to make other changes requested by the commenters to four sections. First, for § 13202.14, the commenters proposed that a person be permitted to seek review of an administrative closure by the external reviewer. This change was not made because the role of the external reviewer is as mediator and providing an advisory opinion and recommendations to the Director, and not substituting their judgment in the context of an administrative closure. The person may request reconsideration from the Director, whose decision is "a final agency decision" subject to appeal to OAH. Second, DDS declined to include language in § 13203.10 clarify who will provide and pay for qualified interpreters and/or auxiliary aids because such legal requirements already exist in the Americans with Disabilities Act and the D.C. Language Access Act. Third, the commenters similarly requested and DDS declined to include language in § 13205.4 that the agency would translate written materials because such legal requirements already exist in the D.C. Language Access Act. And fourth, DDS declined to include language in § 13205.11 suggested by commenters requiring referrals where a person can seek redress of an issue DDS does not consider eligible for the DDA Complaint System, though DDS already had agreed to include such a requirement in the draft DDA Complaint System procedures which have been vetted by the stakeholders.

These rules were adopted as final on January 27, 2020, and shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 132, DEPARTMENT ON DISABILITY SERVICES FORMAL COMPLAINT SYSTEM, is added to Title 29, PUBLIC WELFARE, of the DCMR, to read as follows:

**CHAPTER 132 DEPARTMENT ON DISABILITY SERVICES FORMAL COMPLAINT SYSTEM**

- 13201 PURPOSE AND APPLICATION**
- 13202 DEVELOPMENTAL DISABILITIES ADMINISTRATION COMPLAINT SYSTEM GENERAL PROVISIONS**
- 13203 CONSUMER RIGHTS**
- 13204 FILING A COMPLAINT WITH A DEVELOPMENTAL DISABILITIES ADMINISTRATION PROVIDER**
- 13205 FILING A COMPLAINT WITH THE DEPARTMENT ON DISABILITY SERVICES, DEVELOPMENTAL DISABILITIES ADMINISTRATION**
- 13206 NO LIMITATION ON OTHER RIGHTS**
- 13207 NOTICE**
- 13208 PEER SUPPORT PILOT PROGRAM**
- 13299 DEFINITIONS**

**13201 PURPOSE AND APPLICATION**

13201.1 The purpose of these rules is to establish a formal complaint system to resolve issues with Developmental Disabilities Administration (DDA) supports and services by establishing the specific procedures for:

- (a) The resolution by the provider of complaints filed by people with a DDA provider, and, when necessary, by the DDS Director who may be informed by recommendations provided by an external reviewer based on applicable law, rules and/ or policies;
- (b) The resolution by DDS of complaints filed with DDA and, when necessary, informed by an external reviewer who makes recommendations based on applicable law, rules, and policies;
- (c) Performing threshold screening to prevent duplicate complaints involving the same person and set of facts being adjudicated by DDS and the District of Columbia Office of Administrative Hearings (OAH) or the Superior Court of the District of Columbia;
- (d) Establishing a Peer Support Pilot Program to assist people with intellectual disabilities who are using the DDA Complaint System and a process for reporting annually on that program;



- (e) Establishing the right to, and a mechanism for, a person who is not satisfied with the DDS Director’s final decision about his or her complaint to appeal to OAH; and
- (f) Ensuring that, upon resolution of a person’s issue through the DDA Complaint System and upon receipt of timely and proper appeal-related request from the OAH, DDS will generate a Complaint File and supply it to OAH.

13201.2 The rules in this chapter are applicable to DDS and to each DDA provider in the DDA Delivery System.

13201.3 The DDA Complaint System outlined in these rules applies solely to issues about DDA supports and services. The complaint process regarding Rehabilitation Services Administration’s (RSA) services is separate and can be found in the District of Columbia Municipal Regulations at Title 29, Public Welfare, as set forth in 29 DCMR §§ 135-149. The complaint coordinator will reject complaints about RSA because they cannot be resolved through the DDA Complaint System under Section 13202.11.

13201.4 The DDA Complaint System is unrelated to Social Security Administration (SSA) law, regulations and practices or the D.C. Disability Determination Division (DDD) of DDS. The complaint coordinator will reject complaints about SSA or DDD because they cannot be resolved through the DDA Complaint System under Section 13202.11.

**13202 DEVELOPMENTAL DISABILITIES ADMINISTRATION COMPLAINT SYSTEM GENERAL PROVISIONS**

13202.1 DDA Complaint System

DDS shall establish a DDA Complaint System that complies with the applicable federal and District laws and regulations including the Disability Services Reform Amendment Act of 2018 and these rules. DDA shall adopt a complaint policy and procedure(s), and involve DDA stakeholders in the policy and procedure development process. The DDA Complaint System shall be available to people receiving DDA supports and services.

13202.2 Representatives

A person has the right to representation when using the DDA Complaint System, but DDS shall not appoint, assign or compensate a person’s representative.

13202.3 Supporters

A person may choose one or more informal or formal supporters to assist them throughout the DDA Complaint System. DDS shall not appoint, assign or compensate a person's supporter, except that support may be available through the Peer Support Pilot Program governed by Section 13203. In the event that a person brings a supporter to or requests their presence during any DDA Complaint System process, DDS, the external reviewer or the provider, respectively, may disclose personal information during the meeting without first obtaining written consent from the person or the person's representative. By inviting a third-party supporter to participate in any Complaint System process, the person is considered to have provided implied consent to release information in the presence of the third party during the proceeding.

13202.4 Representatives and supporters are subject to the requirements of federal and District law regarding the confidentiality of protected mental health, medical and other information about a person.

13202.5 Witnesses

DDS has no obligation to compensate any witnesses through the DDA Complaint System, except that DDS staff may serve as witnesses as part of their official duties when DDS requires them to do so.

13202.6 Incidents

(a) When the complaint coordinator receives a complaint that appears to be a Serious Reportable Incident (SRI) under DDS policy, the complaint coordinator shall refer the matter to the DDS Incident Management and Enforcement Unit (IMEU) for consideration of whether an investigation should be initiated under DDS's IMEU Policy and Procedures. The complaint coordinator shall place an administrative hold on the complaint in the DDA Complaint System when the IMEU accepts it. DDS shall provide notice to the person of the administrative hold on the complaint.

(b) Upon completion of the IMEU investigation, the complaint coordinator will contact the person to determine whether the resolution and recommendations from the investigation adequately addressed the complaint raised. If not, the complaint process will resume. If all issues have been addressed, the complaint will be administratively closed with a note that the investigation addressed all concerns.

13202.7 Provider Complaint Files and Records

(a) Unless a person expresses a good faith, reasonable fear of retaliation, he or she is generally required to file a complaint about a provider with the provider and use the provider's complaint process as outlined at Section 13204, Filing A Complaint With A Developmental Disabilities

Administration Provider. The result of the provider complaint process may be a provider Chief Executive Officer (CEO) written decision, which the person, if not satisfied with the result, may then appeal to DDA under Section 13205, Filing a Complaint With the Department On Disability Services, Developmental Disabilities Administration.

- (b) When a person appeals the provider CEO written decision by filing a complaint with the DDA Complaint System, DDS shall request a copy of the provider CEO final decision from the person.
- (c) If a person appeals a provider CEO final decision to DDS, the provider is required to supply records to DDS, including the provider's complaint file and provider CEO final decision, within five (5) business days of DDS's request.
- (d) The DDA Complaint System shall begin when DDS receives from the provider the complaint file including the provider CEO final decision, or on the 6<sup>th</sup> business day, whichever is sooner.

13202.8 A person's issue involving a specific DDA provider staff member or contractor shall be treated as involving the DDA provider that employs or contracts with the staff member or contractor.

13202.9 Time Limit For Filing A Complaint

- (a) A person must file their complaint within 90 calendar days from the last date on which the events which took place, or did not take place when the person believes they should have, giving rise to the issue.
- (b) A person may also file a complaint while the events are ongoing.

13202.10 Waiver Of The 90 Calendar Day Complaint Filing Deadline

A person may request a waiver of the 90 calendar day filing requirement from the DDS Director, or his or her designee. The request must include the facts the person asserts supports their request for waiver.

- (a) The Director shall grant a waiver for the following reasons:
  - (1) The events that form the basis of the issue could not reasonably be expected to be known by the person or their representative within the 90-day period;
  - (2) The person was not able to effectively communicate their issue or supporters were not able to understand a person's communication well enough to help him or her file an issue;

- (3) Illness or incapacitation of the person; or
- (b) The Director may grant a waiver for other reasons that he or she determines to be reasonable.
- (c) The length of waiver granted by the DDS Director shall be reasonable and be based on the nature and timing of the circumstances.
- (d) In the interests of resolving a person’s issue as quickly as possible, customer service may continue to attempt to resolve an issue that is past the complaint-filing deadline.

13202.11 Types Of Complaints That May Be Filed

The DDA Complaint System shall be limited to the following types of issues (and to use by people receiving DDA supports and services as specified in Section 13202.1):

- (a) The denial, delay, reduction or termination of DDA supports or services;
- (b) The application of DDA policies, procedures or practices to the person; and
- (c) The application of DDA providers’ policies, procedures, or practices to the person.

13202.12 Types Of Complaints Not Allowed

The DDA Complaint System may not be used to challenge a pending IMEU investigation or to appeal the report of an IMEU investigation. Where DDS accepts a complaint and then discovers during any time that it is not the type of issue that can be resolved through the DDA Complaint System, DDS shall stop the process and administratively close the complaint. DDS shall provide written notice, including the reason for administrative closure, to the person who filed the complaint.

13202.13 Administrative Closure

DDS or the provider, as appropriate, shall administratively close a complaint that is outside of the types of issues that may be filed or resolved through the DDA Complaint System under Section 13202.11. DDS or the provider shall provide the person with notice, based on the person’s preferred mode of communication, including the reason for administrative closure.

13202.14 Reconsideration On Administrative Closure

If a person disagrees with DDS' administrative closure under Section 13202.13, the person may file a request for reconsideration of that decision with the DDS Director, or his or her designee, within fourteen (14) calendar days. DDS will issue a decision on the request for reconsideration within fourteen (14) calendar days of the request. A DDS reconsideration decision is a final agency decision.

13202.15 No Retaliation

Neither DDS nor a provider shall retaliate against a person, his or her supporter or representative, a third-party complaint filer, or a person's witness to facts alleged in a complaint, because of a complaint filed with a provider or DDS. An allegation of retaliation for filing a complaint shall be treated and filed as a new complaint with the provider or DDS or, if it meets the DDS definition of an SRI, be investigated in accordance with DDS's IMEU policy and procedures.

13202.16 External Reviewers

DDS shall contract with one or more external reviewer(s) to provide timely, neutral and impartial review of and recommendations for resolution of issues in Stage 3 of the DDA Complaint System in accordance with these rules. The Director, or his or her designee, shall select the external reviewer. Any external reviewer with whom DDS contracts to review and resolve one or more complaints shall be required to have the following minimum qualifications:

- (a) Experience with alternative dispute resolution, including mediation and/or arbitration;
- (b) Experience working with people with intellectual disabilities; and
- (c) An understanding of the DDA service delivery system.

13202.17 Release Of Records

- (a) A DDA provider shall release information regarding an issue to the person or their representative, upon receipt of a valid authorization for disclosure from the person, including those documents in the possession, custody or control of the provider, which includes the person's file as well as provider policies, procedures and protocols which relate to the issue and the provider CEO final decision.
- (b) The DDA provider shall also release all of the above documents to DDS or its contractors upon request, regardless of whether there is a release of information form. Further, the DDA provider shall make all documents regarding its Complaint System available to DDS or its contractors, upon request.

## 13202.18 Provider Sanctions

DDS may impose sanctions on a provider, if:

- (a) DDS substantiates an allegation that the DDA provider retaliated against a person, or third party, for filing a complaint;
- (b) The DDA provider fails to develop, implement or revise its provider complaint policy or procedure when required to do so by DDS in accordance with law, regulations or DDS policy.
- (c) The DDA provider fails to abide by or implement a final decision by DDS in response to a complaint; or
- (d) The DDA provider evidences a pattern of untimely or incomplete responses to complaints from the people DDA supports, or fails to complete action promised by the DDA provider in response to a complaint.

**13203 CONSUMER RIGHTS**

## 13203.1 A person using the DDA Complaint System may:

- (a) Grant consent to a third party to file a complaint for the person, or on his or her behalf, with a DDA provider or with DDA;
- (b) Be assisted throughout the issue resolution process by one or more informal supporters, a Supported Decision-Making Agreement supporter, or attorney, advocate or other representative of the person's own choosing and at the person's own expense;
- (c) Request that the complaint coordinator, or his or her designee, assist the person in filing a complaint with DDS; or
- (d) Request a qualified interpreter, fluent in the primary language (including sign language) of the person, and may request the use of required auxiliary aids.

13203.2 A provider listed in Section 13203.1(a) above and DDA must continue to serve a person already receiving supports or services without limitation, reduction or termination pending the resolution of an open complaint with the complaint coordinator regarding those supports or services.

13203.3 A person may request an appeal directly to OAH for Medicaid denials, delays, suspensions, reductions or terminations.

**13204 FILING A COMPLAINT WITH A DEVELOPMENTAL DISABILITIES ADMINISTRATION PROVIDER**

- 13204.1 A DDA provider's continuing obligation to safeguard the welfare of people who receive DDA supports and services, including the filing of incident reports and other reports of allegations of abuse, neglect or exploitation, are not affected by the DDA Complaint System.
- 13204.2 Each DDA provider shall adopt and adhere to a complaint policy which complies with the mandates of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), these rules, and DDS policies and procedures so that people receiving DDA services from a provider are able to file complaints about the provider with the provider.
- 13204.3 A person, or a third party acting for the person and with their consent, shall file any complaint with the provider and use the provider's complaint process when the complaint concerns any alleged action(s) by the provider, or alleged failure(s) of the provider to act when it should have taken action. The DDS Director may grant an exception when the person has a reasonable fear of retaliation, as specified in Section 13205.2.
- 13204.4 Providers shall foster understanding of their complaint systems and, at a minimum, supply information in plain language about how to file complaints to people receiving DDA-funded services, and their supporter or legal representative as the person begins to receive services from them and at least annually. Providers shall post plain language notices about their complaint policies and information in day habilitation and employment readiness facilities.
- 13204.5 A person must file their complaint about a provider, its staff or services, with the provider within ninety (90) calendar days from the final day of the events which the person says took place, or did not take place when the person believes they should have, giving rise to the issue. A person may file a complaint while a situation is ongoing. The provider shall give the person written acknowledgement of receipt of the filed complaint.
- 13204.6 A person, or a third party acting for the person with their consent, may request from the provider's CEO or equivalent, or his or her designee, a waiver of the ninety (90) calendar day filing requirement for the following reasons:
- (a) The events that form the basis of the complaint could not reasonably be expected to be known within the ninety (90) calendar day filing period;
  - (b) Illness or incapacitation of the person;

- (c) The person is not able to effectively communicate their issue or have their issue understood;
- (d) The person did not have notice of the right to file a complaint; or
- (e) Any other reasonable basis determined by the provider CEO, or his or her designee.

The provider's CEO or equivalent, or his or her designee, shall grant the waiver for reasons in Subsections (a) through (d), and may grant the waiver in the case of Subsection (e).

- 13204.7 Each provider shall designate at least one person and an alternate to assist people with filing an oral or written complaint about the provider. An alternate must be used when the assigned person is named in the complaint.
- 13204.8 The provider shall review the issue to see whether the facts alleged show the provider should take action to ensure the person's physical safety, and whether the complaint alleges facts that amount to a Serious Reportable Incident as defined by DDS. In those instances, the matter shall be handled under DDS's IMEU policy and procedures and the provider shall place the complaint on administrative hold and provide the person with notice. Once the IMEU investigation is completed, the provider must ask the person if he or she continues to have the concern which caused them to file the complaint, and if so, if they want the complaint to proceed forward through the provider's complaint process. If so, the provider's complaint process will resume. If all issues have been addressed, the complaint will be administratively closed, and the person shall receive notice of the administrative closure on that basis.
- 13204.9 The provider shall continue to provide supports and services without limitation, reduction or termination pending the resolution of the person's complaint regarding those supports and services.
- 13204.10 The provider CEO, or his or her designee, shall review the complaint and within thirty (30) calendar days write a final decision in response. However, where the facts of an issue demonstrate urgency for resolution by identifying health or safety concerns for the person, or where the person filing the complaint with the provider states at the time of the filing that they are seeking expedited review, the provider CEO, or his or her designee, shall review the complaint and issue a written decision within ten (10) calendar days. A final decision must be sent to the person, their representative, if any, and the person who filed the complaint. A final decision may be redacted before being sent to the third party who filed the complaint in order to protect the privacy of the person.
- 13204.11 After the provider CEO, or his or her designee, issues a final written decision about the complaint, a person who is not satisfied may file a complaint about the



provider with DDS according to Section 13205, Filing A Complaint With The Department on Disability Services, Developmental Disabilities Administration.

**13205 FILING A COMPLAINT WITH THE DEPARTMENT ON DISABILITY SERVICES, DEVELOPMENTAL DISABILITIES ADMINISTRATION**

**13205.1 Right To File A Complaint With DDA**

DDA shall have a Complaint System and a Complaint System policy specifying that a person, or a third party acting on the person's behalf and with his or her consent in accordance with Section 13205.7, has a right to file a complaint with DDA in accordance with Section 13202.12 with the DDS complaint coordinator. The complaint shall provide available detail of the who, what, when and where of the event or action that took place, or did not take place when the person believes it should have, giving rise to the issue with which the person disagrees.

**13205.2 Right To File A Complaint With DDS After Using DDA Provider Complaint Process Or Where DDS Director Grants Exception**

The policy shall also specify that a person also has a right to file a complaint with the Complaint Coordinator if the issue is about a DDA provider and either the person has used the provider's Complaint Process and has a final decision from the provider CEO in accordance with Section 13204.10 or the DDS Director grants the person an exception from using the provider's complaint process where the person asserts a good faith, reasonable fear of retaliation from the provider if she or he files the complaint with the provider. In either case, the person who wishes to file the complaint must meet the time limits for filing in Section 13205.3.

**13205.3 Time Limit On Filing**

Where a person files a complaint about DDA in the DDA Complaint System (with the complaint coordinator), he or she must do so within ninety (90) calendar days from the final day of the events the person alleges took place, or did not take place when they should have, giving rise to the issue. A person filing a complaint about a provider and alleging reasonable fear of retaliation by the provider also must file his or her complaint in the DDA Complaint System (with the complaint coordinator) within ninety (90) calendar days. A person filing an appeal from a provider CEO decision to the DDA Complaint System must file the complaint with the complaint coordinator within fourteen (14) calendar days of the provider CEO decision. DDS will not accept a complaint where the events (or non-occurrences) took place more than ninety (90) calendar days prior to the first filing of the complaint with DDS (where the complaint is about DDA or where the person alleges reasonable fear of retaliation) or more than fourteen (14) calendar days of the provider CEO decision, unless the DDS Director grants the person a waiver.

- 13205.4 DDS shall provide information about the DDA Complaint System on its website, at intake, and at least annually to all people receiving DDA services.
- 13205.5 A person is not required to utilize the DDA Complaint System to address his or her dissatisfaction with DDA or a DDA provider but may pursue other legal, administrative, or informal relief including filing the complaint through DDS's customer service system.
- 13205.6 A third party may not file a complaint with the complaint coordinator without the consent of the person.
- 13205.7 The complaint coordinator shall inform each person who files a complaint that he or she has the right to choose a person to support him or her throughout the process.
- (a) The complaint coordinator shall also provide notice to the person who files a complaint that she or he has the right to choose a representative at his or her own expense if they wish, and inform the person about the possibility of free legal and advocacy services.
  - (b) Neither DDS nor DDA providers are responsible for compensating a person's or any provider's supporters, representatives, or witnesses, or any other individual a person or provider chooses to help them with an issue.
- 13205.8 The complaint coordinator shall give the person written acknowledgement of receipt of the filed complaint.
- 13205.9 Complaint File
- Once a person files a complaint with the complaint coordinator, the coordinator shall establish a Complaint File. In that file shall be:
- (a) A copy of the complaint, dated upon receipt when the complaint is complete;
  - (b) A document which shows the stages of the DDA Complaint System and the timeframes for each stage for the complaint;
  - (c) One or more documents which detail the passing of the complaint through the complaints process at DDS as well as a written record of attempts at resolution, DDS's decisions at each stage, and the status of the complaint at the conclusion of each stage of the process;
  - (d) A record of notifications to the person and their legal representative, if they have one, and their supporter, if they have filed a D.C. Supported Decision Making Agreement with the complaint coordinator;

- (e) If the complaint proceeds through Stage 1, a copy of the decision at that stage;
- (f) If the complaint proceeds through Stage 2, a copy of the external reviewer's recommendation(s) and the DDS Director's stage decision; and
- (g) If the complaint proceeds through Stage 3, a copy of the external reviewer's report, the DDS' Director's final decision, and the notice.

In accordance with the District of Columbia Municipal Regulations (DCMR) at Title 6B, Personnel, Disclosure of Information, as set forth in 6B DCMR §§ 3113.1 to 3113.14, confidential personnel information and other legally privileged or protected information about DDS employees shall not be kept in a Complaint File nor be disclosed by DDS through the DDA Complaint System.

13205.10 The complaint coordinator shall ensure that both the person and any DDA provider named in a complaint have notice and the opportunity to be heard in the DDA Complaint System. Where a complaint is about DDA, the person and DDA shall have the opportunity to be heard and to present evidence, including witnesses. Where an external reviewer leads efforts during Stages Two and Three, the external reviewer is responsible for providing to all parties to a complaint the opportunity to be heard and to present evidence, including witnesses.

13205.11 Stage One: Internal DDS Review

Stage One of the DDA Complaint System shall be an Internal DDS Review. The length of Stage One shall be up to fourteen (14) calendar days, unless DDS, the provider agency (if the issue is about a provider) and the person who files the complaint agree to extend the time.

- (a) Where a person contacts DDS's customer services or attempts to file a complaint through the complaint coordinator and the facts alleged meet the Serious Reportable Incident definition of abuse, neglect, or exploitation, it must be investigated by DDS IMEU, consistent with DDS policy and procedures. However, a person may file a complaint with the complaint coordinator, who shall place an administrative hold on the complaint and otherwise notify the person in accordance with § 13202.6(a). Upon completion of the IMEU investigation, the complaint process will resume if they are not satisfied that the investigation, findings, or recommendations have addressed the issues raised in the complaint.
- (b) DDS shall administratively close a complaint if it is not one of the types of issues that may be filed in the DDA Complaint System, which are listed at Section 13202.11.

- (c) After a complaint is filed and accepted, DDS shall attempt to resolve the complaint to the person's satisfaction or the mutual satisfaction of both the agency and the person.

13205.12 Stage Two: External Review

Stage Two of the DDA Complaint System shall be an External Review. Stage Two lasts up to forty-five (45) calendar days. It shall consist of Part A and Part B, all led by the external reviewer. Stage Two may be extended at the recommendation of the external reviewer or by mutual agreement of the person who filed the complaint and DDS or the provider agency, if the complaint is about a provider.

- (a) Part A: Alternative Dispute Resolution (ADR). Stage Two, Part A shall consist of the external reviewer attempting to use mediation to reach consensual resolution to the complaint. The external reviewer may attempt to mediate a consensual resolution to the grievance. Such mediation may be conducted by individual telephone calls or meetings with interested parties or by a joint meeting. The person has the right to representation during mediation, at his or her own expense. Necessary representatives from the provider or from DDA, as determined by the external reviewer, shall be required to attend the mediation. The person may terminate the mediation at any time. Part A shall last not longer than fifteen (15) calendar days, unless DDS and the person agree to extend the time. If the complaint is not resolved to the person's satisfaction at the conclusion of Part A, the external reviewer shall undertake Part B.
- (b) Part B: Fact-Finding Hearing and Recommendations to the DDS Director. Stage Two, Part B shall consist of the external reviewer conducting a fact-finding hearing and making recommendations to the DDS Director. Necessary representatives from DDA and any DDA provider, as determined by the external reviewer, shall be required to attend the hearing. The person has the right to representation during the hearing and may call witnesses, all at his or her own expense. A DDA provider also has the right to representation and may call witnesses, all at its own expense. DDA similarly may call witnesses. Part B shall last not longer than thirty (30) calendar days, unless DDS and the person agree to extend the time.

13205.13 Stage Three: External Reviewer's Final Report And DDS Director's Decision

- (a) Stage Three lasts up to sixty (60) calendar days, unless DDS, the provider agency (if the issue is about a provider) and the person who filed the complaint agree to extend the time.

- (b) Within twenty-one (21) calendar days of the end of Stage 2, the external reviewer shall submit a final written report to the DDS Director, the person who receives DDA supports and services, the person who filed the complaint, and the provider, if the provider is a party to the complaint. The final written report may be redacted before being sent to the third party who filed the complaint in order to protect the privacy of the person.

The report shall include shall include: a summary of the evidence gathered; applicable federal or District laws and regulations and DDS policy and procedures; findings of fact; conclusions; and recommendations for how to resolve the complaint, if any.

- (c) Allowing up to an additional seven (7) calendar days for receipt, each party shall have an opportunity to respond within ten (10) calendar days of receipt of the external reviewer's final written report prior to the DDS Director's final decision on the complaint.
- (d) Allowing up to an additional seven (7) calendar days for receipt of the parties' responses to the external reviewer's final written report, the DDS Director shall issue the final decision within fifteen (15) calendar days of receipt of the last submission and send it to the person who receives DDA supports and services, the person who filed the complaint, and the provider, if the provider is a party to the complaint. Final decisions may be redacted before being sent to the third party who filed the complaint in order to protect the privacy of the person. The DDS Director's final decision must be in writing and in plain language and shall consider the parties' responses. The DDS Director's final decision shall accompany the external reviewer's final report and clearly state whether DDS will comply with the external reviewer's recommendation(s), if any, and if so, specify what actions DDS plans to take and in what time frame. If the DDS Director determines that DDS will not comply with one or more of the external reviewer's recommendations, the final decision shall state that clearly and provide rationale for that decision, citing to any applicable law, regulation, or DDS policy or procedure supporting the final decision.

13205.14 Notice Of Right To Appeal

At the conclusion of Stage Three, the Complaint Coordinator shall provide to a person notice of the right to appeal to OAH, as well as plain language information about how to file an appeal, appeals deadline(s), the right to have a representative of their own choosing, and information about possible free legal help to the person and their representative, if they have one.

13205.15 DDS Shall Provide DDS Complaint Files To OAH Upon Request

When a person and their representative, if they have one, appeals the complaint to OAH, OAH may request copies of the DDS complaint file as well as any governing DDS policies and/or procedures from the complaint coordinator. DDS shall ask for the record to be sealed to protect the confidentiality of people supported by DDA.

**13206 NO LIMITATION ON OTHER RIGHTS**

- 13206.1 Filing a formal complaint with DDS or a DDA provider shall not be construed to restrict or limit the rights, procedures, and remedies available under federal or District law protecting the rights of persons receiving services through DDS or a DDA provider.
- 13206.2 Nothing in these provisions is intended to affect a DDA provider's existing due process rights.

**13207 NOTICE**

- 13207.1 DDS shall provide notice about the DDA Complaint System to each person who applies for or receives DDA supports and services at the time of application and at least annually for people who receive DDA supports and services.

**13208 PEER SUPPORT PILOT PROGRAM**

- 13208.1 DDS shall establish a peer support pilot program comprised of people with intellectual or developmental disabilities that are familiar with the DDA service delivery system, to support people with intellectual disabilities filing complaints with DDS through the DDA Complaint System. The peer support pilot program shall be independent of all DDA providers.
- 13208.2 DDS, working with people with intellectual disabilities who receive DDA supports and services, shall:
- (a) Design the peer support pilot program;
  - (b) Train peer supporters;
  - (c) Design informational materials and share information about the peer support pilot program;
  - (d) Establish the peer support pilot program;
  - (e) Ensure that peer supporters abide by all federal and local requirements for confidentiality; and

- (f) Design and implement an evaluation or satisfaction survey to get feedback from users about the peer support pilot program.

13208.3 A peer supporter shall not assist a person with a complaint against a DDA provider from which the peer advocate is currently receiving supports or services or has received supports or services within one year, unless both the peer advocate and the person who is filing the complaint consents in writing to such assistance.

13208.4 DDS may provide funding and work collaboratively with a selected vendor to meet the requirements of Section 13208.2.

13208.5 DDS shall publish an annual report regarding the peer support pilot program, which shall include agency learning about what worked with the peer support pilot program and what can be improved. The report will include an analysis of the evaluation or satisfaction surveys referred to in Section 13208.2(f).

## 13299 DEFINITIONS

**“Abuse”** – The wrongful treatment of a person who receives supports from DDA that endangers his or her physical or emotional well-being, through the action or inaction of anyone, including, but not limited to, an employee, intern, volunteer, consultant, contractor, visitor, family member, guardian or stranger, whether or not the affected person is, or appears to be injured or harmed. Actions of people receiving services toward other people receiving services, staff, or members of the general public are not typically reported as abuse. However, neglect may be present, as the actions may be the result of the provider failing to identify and implement appropriate supports and services, or neglecting to protect people from harm from other people.

**“Complaint Coordinator”** – One or more persons designated by the Director of the Department on Disability Services to manage the agency’s Complaint System governed by these rules.

**“Complaint System”** – The District of Columbia Department on Disability Services’ process for the resolution of formal complaints, including formal complaints filed with a DDA provider, required by the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*).

**“Consumer”** – A person who receives supports or services funded or regulated by the DDS’s Developmental Disabilities Administration.

**“DDA Provider” or “Provider”** – Means an entity that is responsible for providing residential or day services to people supported by the DDS’s Developmental Disabilities Administration.

**“DDA Supports”** – The locally-funded supports and services provided by the Developmental Disabilities Administration, including cost of occupancy.

**“Department on Disability Services” or “DDS”** – Means the Department on Disability Services as established by the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*).

**“Developmental Disabilities Administration” or “DDA”** – A subdivision of the Department on Disability Services.

**“Director”** – The Director of DDS.

**“Exploitation”** – The illegal or improper act or process of an employee, contractor, consultant, volunteer, or intern, using the resources of an individual for their own monetary or personal benefit or gain. This may also include, but is not limited to, coercion or manipulation of an individual to spend his or her own personal funds for something the individual may not have use for; and the soliciting of gifts, funds, labor, or favors.

**“External Reviewer”** – A person selected by the Director to provide review and resolution of formal complaints, who has:

- (a) Extensive experience in alternative dispute resolution;
- (b) Experience working with people with intellectual disabilities; and
- (c) An understanding of DDS.

**“Failure To State A Claim”** – Means that, even if all the factual allegations in a complaint are true, they are insufficient to meet the requirements for filing a complaint with DDA or a DDA provider.

**“Formal Complaint”** – Means a statement by a person of his or her dissatisfaction with DDA or a DDA provider that is the type of issue that can be resolved under these rules.

**“Host Home”** – In accordance with Section 1999.1 of Chapter 19 of Title 29 of the DCMR, means the residence owned or leased by the homeowner or principal care provider who provides host home services to the person enrolled in the Home and Community Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver).



**“Individual Support Plan”** – Identifies the supports and services to be provided to the person and the evaluation of the person’s progress on an ongoing basis to assure that the person’s needs and desired outcomes are being met.

**“Intellectual Disability”** – Means a substantial limitation in capacity that manifests before eighteen (18) years of age and is characterized by significantly below-average intellectual functioning, existing concurrently with two (2) or more significant limitations in adaptive functioning as defined in Section 103 of the Citizens With Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.03(15A)). The determination of intellectual functioning includes consideration of the standard error of measurement associated with the particular intelligence quotient (IQ) test. The adaptive functioning deficits must cross at least two of the following three domains: conceptual, practical, and social.

**“Neglect”** – The failure to provide proper care, supervision or attention to a person or to the person’s health, safety, or well-being; failure to provide necessities such as food, clothing, essential medical treatment, adequate supervision, shelter or a safe environment. The failure to exercise one’s duty to intercede on behalf of the person also constitutes neglect.

**“Office of Administrative Hearings” or “OAH”** – Means the District of Columbia Office of Administrative Hearings as established by the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*).

**“Peer Supporter”** – A person trained through the DDS Peer Support Pilot Program for the purposes of assisting a person with intellectual disabilities with a complaint filed through the DDA Complaint System.

**“Policy”** – A written statement developed by DDS that gives specific direction regarding how DDS, DDA, a DDA provider, a person, their representative or supporter, and/or an external reviewer shall operate administratively and programmatically.

**“Principal care provider”** – In accordance with Section 1999.1 of Chapter 19 of Title 29 of the DCMR, means the person who owns and/or leases the host home and provides host home services and supports to the person enrolled in the ID/DD Waiver.

**“Procedure”** – A written set of instructions developed by DDS describing the step-by-step actions to be taken by DDS, DDA, a DDA provider, a person, their representative or supporter, and/or the external reviewer.

**“Provider”** – Means an entity that is responsible for providing residential or day services to people supported by the DDS Developmental Disabilities Administration.

**“Reportable Incident” or “Serious Reportable Incident”** – Events that, due to the occurrence or the severity, require action by DDS in addition to the internal review and investigation by the provider agency.

**“Representative”** – An individual designated by a person to represent him or her in conjunction with a complaint filed with a DDA provider or through the DDA Complaint System.

**“Service Coordinator”** – The DDS staff responsible for coordinating a person’s services pursuant to their ISP and Plan of Care.

**“Supporter”** – An individual named by a person with intellectual disabilities to assist him or her with the DDA Complaint System (including a DDA provider complaint process) either informally, or formally in writing, through a D.C. Supported Decision Making Agreement, with the person retaining the right to make his or her own decisions.

**“Third Party”** – Means a friend, family member, advocate, independent peer advocate or host home principal care provider who is acting on behalf of the person with the person’s consent related to the DDA Complaint System.

**“Timely”** – Means by the deadlines established by these rules.

## 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 (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) and (b) 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(a)(10) and (b) (2018 Repl.)), and Mayor's Order 2004-46(2) and (3)(v), dated March 22, 2004, hereby gives notice of adoption of an amendment to Chapter 36 (Department of Health (DOH) Infractions), Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking does not include fines established in Section 3 of the Regulation of Body Artists and Body Art Establishments Act of 2012, effective October 23, 2012 (D.C. Law 19-193; D.C. Official Code §§ 47-2809.01(c)(5) and (d)(3) (2015 Repl.)). The rules establish a new Section 3627 schedule of fines for body art establishments in Title 16 DCMR to correspond with the Notice of Final Rulemaking for Body Art Establishment Regulations in Title 25-G DCMR, which were published in the *D.C. Register* on December 29, 2017 at 64 DCR 13496.

On May 24, 2019, the Notice of Proposed Rulemaking was published in the *D.C. Register* at 66 DCR 006405. DC Health did not receive any comments and no changes were made to the rule as proposed. These rules were adopted as final on August 7, 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, COMMERCIAL PRACTICES, AND INFRACTIONS, is amended as follows:**

**Section 3627, [RESERVED], is amended to read as follows:**

**3627 BODY ART ESTABLISHMENT INFRACTIONS**

3627.1 [RESERVED]

3627.2 Violations of any of the following provisions shall be a Class 2 Infraction:

- (a) Operating a body art establishment or performing body art procedures in a body art establishment without a valid body art establishment license issued by the Mayor in violation of 25-G DCMR §§ 600.1 and 706.2(a);
- (b) Employing or permitting a body artist to perform body art procedures in a body art establishment without a valid body artist license issued by the Mayor in violation of 25-G DCMR §§ 600.2 and 706.2(b);

- (c) Operating a body art establishment without a valid Certificate of Occupancy in violation of 25-G DCMR §§ 600.5 and 706.2(e);
- (d) Failing to use only single-use disposable sharps, pigments, gloves, and cleansing products in connection with body art procedures in violation of 25-G DCMR § 200.5;
- (e) Performing a body art procedure on a customer who is under eighteen (18) years of age in violation of 25-G DCMR §§ 201.1, 706.2(j), and 708.2;
- (f) Using an ear-piercing gun to pierce the ear of a minor who is not accompanied by a parent or guardian and without obtaining a signed “Parental/Legal Guardian Authorization Form” from the accompanying parent or guardian as specified in 25-G DCMR § 201.3(b), in violation of 25-G DCMR §§ 201.2, 706.2(j), and 708.3;
- (g) Operating a body art establishment without posting required signage in violation of 25-G DCMR §§ 201.3, 202.3, and 607.4;
- (h) Using inks and pigments that are not specifically manufactured for performing body art procedures in accordance with manufacturer’s instructions in violation of 25-G DCMR § 300.2;
- (i) Failing to calibrate all sterilization equipment by an independent laboratory and maintain records of the calibrations on the premises for inspection by the Department for three (3) years in violation of 25-G DCMR § 311.1;
- (j) Failing to allow access to Department representatives during the facility’s hours of operation and 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-G DCMR §§ 700.2 and 706.2(i); or
- (k) Operating a body art establishment in violation of a Notice of Closure/Summary Suspension, Revocation, Suspension, Warnings, or other directives issued by the Department as specified in 25-G DCMR §§ 707, 712.3, 802.1, 805.1, 807.1, 811, and 812.

3627.3

Violations of any of the following provisions shall be a Class 3 Infraction:

- (a) Operating a body art establishment without a manager who is on duty and on the premises during all hours of operation in violation of 25-G DCMR §§ 200.2 and 706.2(g);

- (b) Operating a body art establishment without a body artist who is on duty and on the premises during all hours of operation in violation of 25-G DCMR §§ 200.3 and 706.2(h);
- (c) Performing a body art procedure using jewelry made of inappropriate materials in violation of 25-G DCMR §§ 203.1(a) – (f);
- (d) Performing a body art procedure using jewelry that has nicks, scratches, or irregular surfaces and that is not properly sterilized prior to use in violation of 25-G DCMR § 203.2;
- (e) Failing to open in front of the customer all equipment and supplies, including but not limited to distilled water, inks, pigments, and all packages containing sterile instruments, pre-sterilized, single-use jewelry, and pre-sterilized, single-use disposable items in violation of 25-G DCMR § 203.3;
- (f) Failing to provide a customer with “Aftercare Instructions” after each body art procedure in violation of 25-G DCMR § 204;
- (g) Failing to report a diagnosed infection, allergic reaction, or adverse reaction resulting from a body art procedure within five (5) business days of its occurrence or knowledge thereof to the Department as specified in 25-G DCMR § 204.3(e) in violation of 25-G DCMR § 316.2;
- (h) Failing to use only distilled water to mix and dilute inks or pigments and not tap water in violation of 25-G DCMR § 300.1;
- (i) Operating without following procedures to prevent cross-contamination in violation of 25-G DCMR §§ 302.1 through 302.7;
- (j) Operating without following procedures to prevent cross-contamination from customers in violation of 25-G DCMR §§ 303.1(a) through (e);
- (k) Failing to ensure that contaminated, reusable instruments are placed in a labeled covered container which contains a disinfectant solution such as two percent (2.0%) alkaline glutaraldehyde or similar disinfectant until it can be cleaned and sterilized, in violation of 25-G DCMR § 304.5;
- (l) Operating without following procedures in violation of 25-G DCMR §§ 304.10(a) through (d) and §§ 309.1(a) through (c);
- (m) Operating without sterilizing reusable instruments in an FDA validated medical sterilizer in accordance with manufacturer instructions in violation of 25-G DCMR § 304.13;

- (n) Operating without a working sterilizer or appropriate cleansing equipment, such as a working ultrasonic cleaner in violation of 25-G DCMR § 304.15;
- (o) Operating without following procedures to prevent contamination by not using single-use marking instruments and stencils in violation of 25-G DCMR §§ 305.1 through 305.5;
- (p) Operating without following procedures to prevent contamination by not using pre-sterilized, single-use jewelry in violation of 25-G DCMR §§ 306.1 and 306.2;
- (q) Failing to follow procedures for the proper handling and disposal of biohazard and infectious waste in violation of 25-G DCMR §§ 307.1 and 307.2;
- (r) Operating without a written Infection Prevention and Exposure Control Plan in violation of 25-G DCMR § 308.1;
- (s) Operating without following procedures to ensure reusable instruments are cleaned by gloved personnel prior to sterilization in violation of 25-G DCMR §§ 309.1(a) through (c);
- (t) Failing to load, operate, decontaminate, and maintain sterilizers according to manufacturer's instructions, or using equipment not manufactured for the sterilization of medical instruments in violation of 25-G DCMR § 310.1;
- (u) Operating with sterilization equipment not tested using a commercial biological indicator monitoring system in violation of 25-G DCMR §§ 310.2 and 310.4;
- (v) Failing to maintain a daily written log of each sterilization cycle on the premises for three (3) years for inspection by the Department in violation of 25-G DCMR § 310.5 and §§ 310.6(a) through (e);
- (w) Failing to follow procedures when operating without access to a decontamination and sterilization area that is in compliance with these regulations or without sterilization equipment in violation of 25-G DCMR § 312.1;
- (x) Failing to maintain a procedural manual at the establishment that is available at all times to operators and the Department for inspection in violation of 25-G DCMR § 313.1;
- (y) Failing to maintain a Personnel Manual in violation of 25-G DCMR §§ 313.2(a) through (e);

- (z) Failing to maintain documentation on the premises for disclosure to customers upon request in violation of 25-G DCMR §§ 314.1(a) through (c);
- (aa) Failing to maintain all records at the establishment for review by the Department upon request in violation of 25-G DCMR § 315.1;
- (bb) Operating with no water, or insufficient water capacity, or inadequate water pressure to any part of the body art establishment in violation of 25-G DCMR §§ 403.1(a) and 706.1(d);
- (cc) Operating with no hot water, or an unplanned water outage, or the water supply is cut off in its entirety for a period of one (1) or more hours in violation of 25-G DCMR §§ 403.1(b) and 706.1(e);
- (dd) Operating with toilet or handwashing facilities that are not properly designed, constructed, installed, or maintained in violation of 25-G DCMR §§ 403, 404, 405, and 706.1(k);
- (ee) Operating with incorrect hot water temperatures that cannot be corrected during the course of the inspection in violation of 25-G DCMR §§ 404.1 and 706.1(f);
- (ff) Operating without a D.C. licensed exterminator service contract in violation of 25-G DCMR §§ 508.1(a) through (c);
- (gg) Operating without a D.C. licensed solid waste service contract in violation of 25-G DCMR §§ 508.2(a) and (b);
- (hh) Operating without a D.C. licensed environmental biohazard waste disposal service contract in violation of 25-G DCMR §§ 508.3(a) and (b);
- (ii) Operating with animals in the body art procedure areas, decontamination or sterilization areas, or storage areas, except for service animals, in violation of 25-G DCMR §§ 509.1 and 509.2;
- (jj) Operating a body art establishment with an expired or suspended body art establishment license in violation of 25-G DCMR §§ 600.3 and 706.2(c);
- (kk) Employing a body artist who is performing body art procedures with an expired or suspended body artist license in violation of 25-G DCMR §§ 600.4 and 706.2(d);
- (ll) Operating with extensive fire damage that affects the body art establishment's ability to comply with these regulations in violation of 25-G DCMR § 706.1(a);

- (mm) Operating with serious flood damage that affects the body art establishment's ability to comply with these regulations in violation of 25-G DCMR § 706.1(b);
- (nn) Operating with loss of electrical power to critical systems, including but not limited to lighting, heating, cooling, or ventilation controls for a period of two (2) or more hours in violation of 25-G DCMR § 706.1(c);
- (oo) Operating with a plumbing system supplying potable water that may result in contaminated of the potable water in violation of 25-G DCMR § 706.1(g);
- (pp) Operating with a sewage backup or sewage that is not disposed of in an approved and sanitary manner in violation of 25-G DCMR § 706.1(h);
- (qq) Operating with a cross-connection between the potable water and non-potable water distribution systems, including but not limited to landscape irrigation, air conditioning, heating, or fire suppression system in violation of 25-G DCMR § 706.1(i);
- (rr) Operating with a backflow siphonage event in violation of 25-G DCMR § 706.1(j);
- (ss) Operating with work surfaces, including but not limited to workstations, solid surfaces and objects in the procedure and decontamination areas within a body art establishment that are stained with blood or bodily fluids, or soiled; or infested with vermin; or are in an otherwise unsanitary condition violation of 25-G DCMR § 706.1(l);
- (tt) Operating with gross insanitary occurrence or condition that may endanger public health including but not limited to an infestation of vermin violation of 25-G DCMR § 706.1(m); or
- (uu) Failing to eliminate the presence of insects, rodents, or other pests on the premises in violation of 25-G DCMR §§ 507.3 and 706.1(n).

3627.4

Violations of any of the following provisions in 25-G DCMR § 708 shall be a Class 3 Infraction:

- (a) Permitting a person to perform or offer to perform body art procedures, use any words or letters, figures, titles, signs, cards, advertisement, or any other symbols or devices indicating or tending to indicate that the person is authorized to perform such services, or use other letters or titles in connection with that person's name which in any way represents himself or herself as being engaged in the practice of body art, or authorized to do so, unless the person is licensed by and registered with the Mayor to



perform body art procedures in the District of Columbia, in violation of 25-G DCMR §§ 706.2(j) and 708.1;

- (b) Allowing a body art procedure to be performed when the customer is unable to exercise reasonable care and safety or is otherwise impaired by reason of illness, under the influence of alcohol, or using any controlled substance or narcotic drug as defined in 21 USC § 802(6) or (17), respectively, or other drug in excess of therapeutic amounts or without valid medical indication, or any combination thereof in violation of 25-G DCMR §§ 706.2(j) and 708.4;
- (c) Tattooing or piecing anyone at any location in the establishment other than in a designated work area in violation of 25-G DCMR §§ 706.2(j) and 708.5;
- (d) Allowing any customer to perform their own tattoo, piercing, or insertions anywhere on the premises in violation of 25-G DCMR §§ 706.2(j) and 708.6;
- (e) Allowing any food, drink, tobacco product, or personal effects to contaminate a procedural area in violation of 25-G DCMR §§ 706.2(j) and 708.7;
- (f) Eating or drinking while performing a procedure; failing to stop a procedure and protect the procedure site from contamination if a customer request to eat, drink, or smoke; and/or failing to ensure that a customer leaves the procedure area to smoke in violation of 25-G DCMR §§ 706.2(j) and 708.8;
- (g) Failing to ensure that the body artist and the customer wear appropriate protective face filter masks during a branding procedure in violation of 25-G DCMR §§ 706.2(j) and 708.9; or
- (h) Performing body art procedures on animals in a body art establishment in violation of 25-G DCMR §§ 706.2(j) and 708.10.

3627.5

Violations of any provision of the District's Body Art Establishment Regulations (Subtitle G, Title 25 of the DCMR), which is not cited elsewhere in this section shall be a Class 4 infraction.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**

**NOTICE OF FINAL RULEMAKING**

**RM13-2019-01, IN THE MATTER OF 15 DCMR CHAPTER 13 - RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Sections 34-802, 2-505, and 34-912(b) of the District of Columbia Code,<sup>1</sup> of its final rulemaking action adopting amendments to Chapter 13 (Rules Implementing the Public Utilities Reimbursement Fee Act of 1980) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”).

2. On December 20, 2019, the Commission published a Notice of Proposed Rulemaking (“NOPR”) seeking to amend Section 1301 and the definitions section.<sup>2</sup> The proposed amendments to Section 1301 delete references to an affidavit included with the annual survey and adds an attestation requirement. Additionally, the Commission amends the definition of “gross jurisdictional revenue” to include only retail revenue, not revenue derived from the provision of resold services.

3. No comments on this NOPR were filed. The Commission approved the amendments as proposed in a vote at the January 29, 2020 open meeting, with the amendments becoming effective upon publication in the *D.C. Register*.

**Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 1301, DETERMINATION OF REIMBURSEMENTS, Subsection 1301.2, is amended as follows:**

**1301 DETERMINATION OF REIMBURSEMENTS**

...

1301.2 By March 1st of each year the Commission shall send to each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC an Annual Survey for assessment purposes. Each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC shall file its responses to the Annual Survey with the Commission and certify to the accuracy of the responses by April 1st. Each response shall include a report of the responder’s

<sup>1</sup> D.C. Official Code § 34-802 (2019 Repl.); D.C. Official Code § 2-505 (2016 Repl.); and D.C. Official Code § 34-912(b) (2019 Repl.).

<sup>2</sup> 66 *D.C. Reg.* 16444-16445 (December 20, 2019).

gross jurisdictional revenues for the preceding calendar year ending December 31st.

...

**Section 1399, DEFINITIONS, Subsection 1399.1, is amended by adding the following definition:**

**1399           DEFINITIONS**

...

**Gross jurisdictional revenue** - gross revenues derived from retail operations regulated by the Commission in the District of Columbia.

...

**OFFICE OF TAX AND REVENUE  
HEALTH BENEFIT EXCHANGE AUTHORITY  
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

**NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (“OTR”) of the Office of the Chief Financial Officer, the Executive Director of the District of Columbia Health Benefit Exchange Authority (“Authority”), and the Commissioner of the Department of Insurance, Securities and Banking (“DISB”), hereby jointly give notice of their adoption of amendments to the following regulations related to the District’s minimum health insurance coverage requirement, including Chapter 39 (Shared Responsibility Payment) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (“DCMR”); Chapter 89 (Individual Responsibility Requirement) of Title 26 DCMR (Insurance, Securities, and Banking), Subtitle A (Insurance); and Chapter 2 (Affordability and Hardship Exemptions) of Title 26 DCMR (Insurance, Securities, and Banking), Subtitle D (Health Benefit Exchange).

This joint rulemaking is issued pursuant to the authority set forth in Section 5002(b) of the Individual Health Insurance Requirement Amendment Act of 2018 (“Health Act”), effective October 30, 2018 (D.C. Law 22-168; to be codified at D.C. Official Code § 47-5109(2)), among the other authorities described below as applicable to each entity. These regulations repeal and replace the federal regulations implementing Section 5000A of the Internal Revenue Code of 1986, effective March 23, 2010 (124 Stat. 244; 26 USC § 5000A), and federal guidance interpreting these federal regulations, Section 5002(a)(1) of the Health Act incorporated these federal regulations and accompanying guidance, as they were in effect on December 15, 2017, into the DCMR.

The Deputy Chief Financial Officer of OTR, in these rules, adds a new Chapter 39 (Shared Responsibility Payments) to Title 9 DCMR (Taxation and Assessments), pursuant to the authority stated in Section 5002(b) of the Health Act, Section 201(a) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2029; D.C. Official Code § 1-204.24d (2016 Repl.)), and Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000. This new chapter provides guidance related to the shared responsibility payment required under the Health Act when certain taxpayers fail to comply with the individual health insurance coverage requirement established in the Health Act. The guidance in these regulations is necessary to provide clarity to taxpayers attempting to comply with District law.

The Executive Director of the Authority, in these rules, adds a new Chapter 2 (Affordability and Hardship Exemptions) to Title 26-D DCMR (Health Benefit Exchange) pursuant to the authority set forth in Section 5002 of the Health Act and Section 18 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.17 (2013 Repl.)). District law generally includes the same affordability and hardship exemptions from the shared responsibility payment that existed under federal law (26 USC § 5000A) until December 31, 2018. These regulations set out the process for applying for and obtaining these exemptions.

The Commissioner of the Department of Insurance, Securities and Banking (“DISB”), pursuant to the authority set forth in Section 5002(b) of the Health Act, Section 101(c) of the Federal Health Reform Implementation and Omnibus Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-265; D.C. Official Code § 31-3461(c) (2013 Repl. & 2019 Supp.)), Section 207 of the Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998, effective April 13, 1999 (D.C. Law 12-209; D.C. Official Code § 31-3302.07 (2013 Repl.)), and Mayor’s Order 2019-001, dated January 4, 2019, in these rules adds a new Chapter 89 (Individual Responsibility Requirement) to Title 26 -A DCMR (Insurance). This new chapter will establish the criteria for exemptions from the minimum health insurance coverage requirement contained in District law.

A Notice of Proposed Rulemaking was published on October 18, 2019 at 66 DCR 13743. Comments were received from Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc. (KP). The comments were in strong support of the rule as proposed. In summary, KP asserted that the rule was a crucial step on the part of the District to ensure the stability of the individual market and coverage costs for District consumers, particularly in response to the destabilizing effect that would have been caused to the market by the zeroing out of the federal penalty for noncompliance with the federal individual responsibility requirement. In response to these comments, no changes were made to the proposed rule.

**Applicability of Certain Federal Regulations and Guidance Under the District’s Individual Taxpayer Health Insurance Responsibility Requirement**

- A. The District regulations implementing Section 5000A of the Internal Revenue Code of 1986, effective March 23, 2010 (124 Stat. 244; 26 USC § 5000A) that were incorporated by reference into the District of Columbia Municipal Regulations by D.C. Official Code § 47-5109(a)(1) are repealed.
- B. All District guidance interpreting the federal regulations implementing Section 5000A of the Internal Revenue Code of 1986, effective March 23, 2010 (124 Stat. 244; 26 U.S.C. § 5000A) that were made applicable to Chapter 51 of Title 47 of the District of Columbia Official Code pursuant to D.C. Official Code § 47-5109(a)(1) are repealed.

**A new Chapter 39, SHARED RESPONSIBILITY PAYMENT, is added to Title 9 DCMR, TAXATION AND ASSESSMENTS, to read as follows:**

**CHAPTER 39 SHARED RESPONSIBILITY PAYMENT**

**3900 GENERAL PROVISIONS**

- 3900.1 The provisions of this chapter are adopted under authority of D.C. Official Code § 47-5109(2).
- 3900.2 The provisions of this chapter shall be in effect with respect to taxable years commencing after December 31, 2018.

**3901 REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE**

3901.1 A nonexempt individual, and any dependent of the individual who is a nonexempt individual, must have minimum essential coverage or pay the District shared responsibility payment for each month beginning after December 31, 2018.

3901.2 An individual has minimum essential coverage for each month in which the individual is enrolled in, for at least one day during the month, a program or plan identified as minimum essential coverage.

**3902 IMPOSITION OF DISTRICT SHARED RESPONSIBILITY PAYMENT**

3902.1 Except as provided in § 3903, a District shared responsibility payment is imposed on an individual for any month for which:

- (a) The individual is a nonexempt individual who does not have minimum essential coverage; or
- (b) A dependent that may be claimed on the individual’s District income tax return for the taxable year, except as provided in § 3903.5, is a nonexempt individual who does not have minimum essential coverage.

3902.2 In addition to § 3902.1, the following rules apply:

- (a) If a nonexempt individual may be claimed as a dependent by more than one taxpayer in the same taxable year and those taxpayers do not file a joint District income tax return, only one taxpayer may claim the nonexempt individual as a dependent and the District shared responsibility payment attributable to that dependent shall be imposed on the taxpayer who claims the dependent for that taxable year on his or her District income tax return.
- (b) If no taxpayer claims the nonexempt individual as a dependent, the District shared responsibility payment attributable to that dependent shall be imposed on the taxpayer with priority under the rules of § 152 of the Internal Revenue Code to claim the individual as a dependent on his or her District Income tax return.

3902.3 In addition to § 3902.1 and § 3902.2, the following rules apply with regard to a dependent who is adopted during the taxable year:

- (a) If a taxpayer adopts a nonexempt dependent, or accepts a dependent who is an eligible foster child as defined in § 152(f)(1)(C) of the Internal Revenue Code during the taxable year, and is otherwise liable for a District shared responsibility payment attributable to that nonexempt dependent under this section, the District shared responsibility payment

imposed on that taxpayer shall only be for the months in the taxable year that follow the month in which the adoption or acceptance occurs.

- (b) If a taxpayer who is otherwise liable for a District shared responsibility payment attributable to a nonexempt dependent under this section places or, by operation of law, must place, the dependent for adoption or foster care during the taxable year, the District shared responsibility payment is imposed on that taxpayer only for the full months in the taxable year that precede the month in which the adoption or foster care placement occurs.
- (c) If a taxpayer has accepted a dependent who is an eligible foster child as defined in § 152(f)(1)(C) of the Internal Revenue Code, and the foster care placement for that child is terminated during the taxable year, the taxpayer that has accepted the foster child as a dependent shall not be liable for a District shared responsibility for months following the month in which the foster care placement terminated.

### **3903 EXEMPT INDIVIDUALS**

3903.1 An individual is an exempt individual for a month that includes a day with respect to which the individual has received from the Authority, pursuant to Chapter 2 of Title 26-D DCMR, the following:

- (a) An affordability exemption determination certificate; or
- (b) A hardship exemption determination certificate.

3903.2 An individual is an exempt individual for a month that includes a day with respect to which an individual, or a taxpayer who properly claims the individual as a dependent, self-certifies that the individual:

- (a) Was not a resident of the District of Columbia; or
- (b) Is exempt pursuant to one or more of the exemptions listed in 26-A DCMR § 8901.1.

3903.3 An individual is exempt for an entire tax year with respect to which a taxpayer self-certifies that the individual is exempt pursuant to one or more of the exemptions listed in 26-A DCMR § 8901.5.

3903.4 A taxpayer who certifies that he or she or any of his or her dependents are exempt pursuant to Subsections 3903.2 or 3903.3 shall be subject to the procedures set forth in § 3905, including audit, to verify that any such exemptions were properly claimed.

3903.5 An individual is an exempt individual for any taxable year with respect to which the individual, or a taxpayer who properly claims the individual as a dependent, files a sworn affidavit on a form prescribed by the Chief Financial Officer attesting that the individual did not have minimum essential coverage on the basis of a sincerely held religious belief during the entire taxable year.

3903.6 An individual, and any dependents properly claimed by that individual, are exempt individuals for any taxable year if that individual's gross income is below the applicable filing threshold to file a District income tax return, as defined in § 3999.1(b). Notwithstanding the foregoing, an individual who is properly claimed as a dependent by a taxpayer whose gross income meets or exceeds the applicable filing threshold to file a District income tax return is not an exempt individual even if the dependent's gross income is otherwise below the applicable filing threshold to file a District income tax return, as defined in § 3999.1(b).

### **3904 COMPUTATION OF DISTRICT SHARED RESPONSIBILITY PAYMENT**

3904.1 The District shared responsibility payment imposed on a taxpayer in accordance with § 3902 is –

- (a) The lesser of:
  - (1) The sum of the monthly penalty amounts; or
  - (2) The sum of the monthly District's average bronze plan premiums for the shared responsibility family;
- (b) Less the amount of any federal shared responsibility payment imposed on the taxpayer pursuant to § 5000A of the Internal Revenue Code for the same taxable year.

3904.2 "Monthly penalty amount" means, for a month that a nonexempt individual is not covered under minimum essential coverage, 1/12 multiplied by the greater of:

- (a) The flat dollar amount; or
- (b) The excess income amount.

3904.3 "Flat dollar amount" means the lesser of:

- (a) The sum of the applicable dollar amounts for all individuals included in the taxpayer's shared responsibility family; or
- (b) Three hundred percent (300%) of the applicable dollar amount (determined without applying § 3904.4(b)) for the taxable year.



- 3904.4      **“Applicable dollar amount”** means:
- (a)      For a nonexempt individual who has attained the age of eighteen (18) before the first day of a month, an amount equal to six hundred ninety-five dollars (\$695) for the tax year beginning after December 31, 2018, increased annually, beginning with the tax year commencing after December 31, 2019, by the cost-of-living adjustment (if the adjustment does not result in a multiple of fifty dollars (\$50), rounded down to the next lowest multiple of \$50); or
  - (b)      For a nonexempt individual who has not attained the age of 18 before the first day of a month, an amount equal to one-half of the applicable dollar amount in paragraph (a) of this section for the taxable year in which the month occurs. For purposes of this paragraph (b), an individual attains the age of 18 on the anniversary of the date when the individual was born. For example, an individual born on March 1, 2001, attains the age of 18 on March 1, 2019.
- 3904.5      **“Excess income amount”** means 2.5 percent of the excess of the taxpayer's household income, as defined in § 3999.1(k), that exceeds the taxpayer's applicable filing threshold.
- 3904.6      **“Monthly District’s average bronze plan premium”** means, for a month for which a shared responsibility payment is imposed, 1/12 of the annual average premium for qualified health plans offered through the District’s individual market health benefit exchange established pursuant to Section 5 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.04(a)(1)), that have a bronze level of coverage, and would provide coverage for the taxpayer, and if applicable, the taxpayer’s spouse, registered domestic partner, or dependents for plan years beginning in the calendar year within which the taxable year ends.

## **3905           ADMINISTRATION AND PROCEDURE**

- 3905.1      A taxpayer's liability for the District shared responsibility payment shall be reported on the forms and in the manner prescribed by the Chief Financial Officer.
- 3905.2      The time and place for filing all returns reporting the District shared responsibility payment for the preceding taxable year, including any extensions, shall be the same as prescribed by D.C. Official Code §§ 47-1805.03(a)(2) and (b).
- 3905.3      A taxpayer must file a return or other form prescribed by the Chief Financial Officer to claim any of the exemptions described in § 3903 except that a taxpayer need not file any return or form to claim the exemptions described in § 3903.6. If a taxpayer has a gross income below the applicable filing threshold and

nevertheless files a return, the taxpayer is eligible for the exemption described in § 3903.6 on the return.

3905.4 If a taxpayer files a District income tax return with the filing status of married filing jointly, registered domestic partners filing jointly, married filing separate on the same return or registered domestic partners filing separate on the same return, pursuant to D.C. Official Code § 47-1805.01 for a taxable year, the taxpayer and the taxpayer’s spouse or registered domestic partner must jointly report a District shared responsibility payment on the prescribed form for that taxable year if either spouse or domestic partner is liable for a District shared responsibility payment.

3905.5 Taxpayers who report a joint District shared responsibility payment on the prescribed form for a taxable year are jointly liable for any District shared responsibility payment incurred by either taxpayer for a month included in the taxable year.

3905.6 Except as otherwise provided in § 3905.8, a taxpayer who fails to pay the District shared responsibility payment shall be subject to all collection, enforcement, and administrative provisions applicable to unpaid taxes or fees as provided under Chapter 18, Chapter 42, Chapter 43, and Chapter 44 of Title 47 of the District of Columbia Official Code, including but not limited to the deficiency protest procedures set for in D.C. Official Code § 47-4312.

3905.7 The period of limitations for assessing the District shared responsibility payment is the same as that prescribed by D.C. Official Code § 47-4301.

3905.8 Notwithstanding any other provision of law, a taxpayer shall not be subject to the following enforcement provisions for failure to pay the District shared responsibility payment:

(a) Liens or levies pursuant to Subtitles II and VI of Chapter 44 of Title 47 of the District of Columbia Official Code; or.

(b) Criminal prosecution pursuant to Chapter 41 of Title 47 of the District of Columbia Official Code.

**3999 DEFINITIONS**

3999.1 For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings, unless otherwise required by the context of this chapter:

**Applicable entity -**

(1) An employer or other sponsor of an employment-based health plan;

- (2) The Department of Health Care Finance; or
- (3) An insurance carrier licensed or otherwise authorized to offer minimum essential coverage.

**Applicable filing threshold** - the amount of gross income that would trigger an individual's requirement to file a District income tax return pursuant to D.C. Official Code § 47-1805.02.

**Authority** - the District of Columbia Health Benefit Exchange Authority established under D.C. Official Code § 31-3171.02.

**Base year** - the calendar year beginning January 1, 2018.

**Chief Financial Officer** - the same meaning as under D.C. Official Code § 1-204.24a(a)(1).

**Cost-of-living adjustment** - the ratio of CPI for the preceding calendar year and the CPI for the base year.

**CPI** - for any calendar year, the average of the Consumer Price Index for the Washington-Metropolitan Statistical Area for All-Urban Consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.

**Department of Health Care Finance** - the District of Columbia Department of Health Care Finance established under section 3 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.02).

**Dependent** - a dependent as defined under § 501(c)(3) of the Internal Revenue Code.

**Federal adjusted gross income** - the same meaning as under § 62 of the Internal Revenue Code.

**Household income** -

- (1) The federal adjusted gross income reported by a taxpayer on his or her federal individual or separate income tax return; or
- (2) The federal adjusted gross income reported by taxpayers on their federal joint return.

**Internal Revenue Code** - the same meaning as under D.C. Official Code § 47-1801.04(28).

**Minimum essential coverage** - the same meaning as under 26-A DCMR § 8999.1(j).

**Month** - a calendar month.

**Resident** - the same meaning as under D.C. Official Code § 47-1801.04(42).

**Shared responsibility family** - all nonexempt individuals for whom the taxpayer (and the taxpayer's spouse or registered domestic partner) is liable for the shared responsibility payment imposed under § 3902 of this chapter.

**Taxable year** - the same meaning as under D.C. Official Code § 47-1801.04(51).

**A new Chapter 2, AFFORDABILITY AND HARDSHIP EXEMPTIONS, is added to Subtitle D, HEALTH BENEFIT EXCHANGE, of Title 26 DCMR, INSURANCE, SECURITIES AND BANKING, to read as follows:**

## **CHAPTER 2 AFFORDABILITY AND HARDSHIP EXEMPTIONS**

### **200 GENERAL**

- 200.1 This chapter shall apply with respect to taxable years commencing after December 31, 2018.
- 200.2 The purpose of this chapter is to establish the procedures and criteria for District residents to apply for and be determined eligible for an exemption prospectively or retrospectively from the requirement to maintain minimum essential coverage as described in D.C. Official Code § 47-5102.
- 200.3 District residents may apply for:
- (a) An affordability or hardship exemption for the current tax year;
  - (b) An affordability or hardship exemption for a prior tax year, up to three (3) years prior to the year of application; or
  - (c) An affordability or hardship exemption for the next tax year, if the application is submitted in the months of October, November, or December preceding the tax year for which an affordability or hardship exemption is sought.
- 200.4 An individual is eligible for an exemption for any month for which the Authority determines that the individual meets the requirements for an affordability or hardship exemption described in this chapter for at least one (1) day of the month.

- 200.5 The Authority shall issue an exemption determination certificate to an individual granted an exemption. The certificate shall have a unique exemption determination certificate number.
- 200.6 If an individual receives an exemption based on hardship and the information used to make the determination changes prior to the termination of the exemption, the individual shall report the new information to the Authority.
- (a) An individual shall report a change in circumstances, within thirty (30) days of the change occurring, via any method listed as a permissible method for submitting an application in § 230.3.
  - (b) The Authority shall verify reported changes in accordance with § 240 and shall notify the individual of any redetermination in eligibility.
- 200.7 The Authority shall implement a change resulting from a redetermination under this section for the month or months after the month in which the redetermination occurs, such that an original exemption determination certificate remains effective for the month in which the redetermination occurs, the month following the month that the redetermination occurs, and for prior months.

## **201 AFFORDABILITY EXEMPTIONS**

- 201.1 An individual is an exempt individual for a month that includes a day with respect to which the individual lacks affordable coverage. For purposes of this section, an individual lacks affordable coverage in a month if the individual's required contribution (determined on an annual basis) for minimum essential coverage for the month exceeds the required contribution percentage of the individual's household income.
- 201.2 An individual's required contribution percentage shall be determined as follows:
- (a) The required contribution percentage for tax year 2019 is eight and three tenths percent (8.3%).
  - (b) For tax years after 2019, the required contribution percentage shall be equal to the amount under 26 USC § 5000A(a)(1).
  - (c) The Authority shall annually publish on its website the required contribution percentage before September 30 of the applicable tax year.
- 201.3 Affordability exemption determinations for individuals or related individuals who are eligible for coverage through a plan offered by an employer shall be determined as follows:

- (a) An individual's eligibility for coverage through an employer-sponsored plan shall be determined as follows:
- (1) Except as provided in paragraph (a)(2), an employee or related individual shall be treated as eligible for coverage under an employer-sponsored plan for a month during a plan year if the employee could have enrolled in the plan for any day in that month during an open or special enrollment period, regardless of whether the employee or related individual is eligible for any other type of minimum essential coverage. An employer-sponsored plan shall only be considered eligible if it meets the minimum value standard described in 42 CFR § 156.145.
  - (2) An employee eligible for coverage both under an eligible employer-sponsored plan offered by their own employer's plan and as a related individual on another eligible employer-sponsored plan (for example, an eligible employer-sponsored plan offered by the employer of the employee's spouse) for any month, shall be treated only as eligible under their own employer's plan and not as an eligible related individual for that month.
  - (3) A former employee or an individual related to a former employee, who may enroll in continuation coverage required under federal law or a District or state law that provides comparable continuation coverage, or in retiree coverage under an eligible employer-sponsored plan, shall be treated as eligible for coverage under an eligible employer-sponsored plan only if the individual enrolls in the coverage.
- (b) The required contribution for individuals eligible for employer-sponsored coverage shall be as follows:
- (1) Annual Enrollment
    - (A) For employees eligible for enrollment in an employer-sponsored plan, the required contribution shall be the portion of the annual premium that the employee would pay, whether through salary reduction or otherwise, for the lowest cost self-only coverage.
    - (B) For related individuals who are eligible for coverage under an eligible employer-sponsored plan because of a relationship to an employee, and for whom a personal exemption deduction under § 151 of the Internal Revenue Code is claimed, or considered under this paragraph to have been claimed, on the employee's Federal income tax return,

the required contribution shall be the portion of the annual premium that the employee would pay, whether through salary reduction or otherwise, for the lowest cost family coverage that would cover the employee and all related individuals who are included in the employee's nonexempt family but not an exempt individual under 9 DCMR § 3903.

- (i) An employee shall be considered to have claimed a personal exemption deduction for himself or herself for a taxable year if the employee files an income tax return for the year and does not qualify as a dependent of another taxpayer under § 152 of the Internal Revenue Code for the year; or
- (ii) A employee shall be considered to have claimed a personal exemption deduction for an individual other than the employee if the employee is allowed a personal exemption deduction for the employee (taking into account § 151(d)(5)(B) of the Internal Revenue Code) and lists the individual's name and Tax Identification Number on Form 1040, U.S. Individual Income Tax Return, or Form 1040NR, U.S. Nonresident Alien Income Tax Return, the taxpayer files for the year.

(2) Partial Year Enrollment

- (A) The affordability of an employer-sponsored plan shall be determined separately for each employment period that is less than a full calendar year or for the portions of a year that fall in different taxable years of the individual.
- (B) Coverage under an eligible employer-sponsored plan shall be considered affordable for a part-year period if the annualized required contribution for self-only coverage (in the case of the employee) or family coverage (in the case of a related individual) under the plan for the part-year period does not exceed the required contribution percentage of the individual's household income for the taxable year.
- (C) The annualized required contribution shall be the required contribution determined under paragraph (b) for the part-year period times a fraction, the numerator of which is twelve (12) and the denominator of which is the number of months in the part-year period during the individual's

taxable year. Only full calendar months are included in the computation under this paragraph.

- (3) Employer Contributions to Health Reimbursement Arrangements
  - (A) Amounts newly made available for the current plan year under a health reimbursement arrangement that an employee may use to pay premiums, or cost-sharing or benefits not covered by the primary plan in addition to premiums, shall be counted toward the employee's required contribution if the health reimbursement arrangement would be integrated, as that term is used in Internal Revenue Service Notice 2013-54 (2013-40 IRB 287), with an eligible employer-sponsored plan for an employee enrolled in the plan.
  - (B) The eligible employer-sponsored plan and the health reimbursement arrangement must be offered by the same employer.
  - (C) Employer contributions to a health reimbursement arrangement shall count toward an employee's required contribution only to the extent the amount of the annual contribution is required under the terms of the plan or otherwise determinable within a reasonable time before the employee must decide whether to enroll in the eligible employer-sponsored plan.
- (4) Employer Contributions to Cafeteria Plans

Amounts made available for the current plan year under a cafeteria plan, within the meaning of Internal Revenue Code § 125, are counted as reducing an employee's or a related individual's required contribution if:

  - (A) The employee may not opt to receive the amount as a taxable benefit;
  - (B) The employee may use the amount to pay for minimum essential coverage; and
  - (C) The employee may use the amount exclusively to pay for medical care, within the meaning of Internal Revenue Code § 213.
- (5) Wellness Program Incentives



- (A) Nondiscriminatory wellness program incentives, within the meaning of 26 CFR § 54.9802-1(f), offered by an eligible employer-sponsored plan that affect premiums shall be treated as earned in determining an employee's required contribution for purposes of affordability of an eligible employer-sponsored plan to the extent the incentives relate exclusively to tobacco use.
- (B) Wellness program incentives that do not relate to tobacco use or that include a component unrelated to tobacco use shall be treated as not earned for this purpose. For the purposes of this section, the term wellness program incentive has the same meaning as the term reward in 26 CFR § 54.9802-1(f)(1)(i).

201.4 Affordability exemption eligibility for individuals or related individuals who are not eligible for coverage through a plan offered by an employer shall be determined as follows.

- (a) The required contribution shall be the annual premium for the applicable qualified health plan, reduced by the maximum amount of any credit allowable under Internal Revenue Code § 36B for the taxable year, determined as if the individual was covered for the entire taxable year by a qualified health plan offered through the Exchange established pursuant to D.C. Official Code § 31–3171.04(a)(1).
- (b) For each individual who applies for an exemption for a period of less than twelve (12) months, eligibility shall be determined separately for each period. Coverage under a plan shall be considered affordable for a part-year period if the annualized required contribution for coverage under the plan for the part-year period does not exceed the required contribution percentage of the individual's household income for the taxable year.
- (c) The annualized required contribution shall be the required contribution determined under paragraph (a) for the part-year period times a fraction, the numerator of which is twelve (12) and the denominator of which is the number of months in the part-year period during the individual's taxable year. Only full calendar months are included in the computation under this paragraph.

## 202 **HARDSHIP EXEMPTIONS**

202.1 An individual shall be exempt from the District shared responsibility payment for a month in which the Authority determines that individual has suffered a hardship with respect to the ability to obtain coverage under a qualified health plan.

- 202.2 The Authority shall grant a hardship exemption if it determines any of the following based on the information submitted on the hardship application published by the Authority:
- (a) The applicant has experienced financial or domestic circumstances, including an unexpected natural or human-caused event, resulting in a significant, unexpected increase in essential expenses that prevented the applicant from obtaining coverage under a qualified health plan;
  - (b) The expense of purchasing a qualified health plan would have caused the applicant to experience serious deprivation of food, shelter, clothing or other necessities; or
  - (c) Another circumstance prevented the applicant from obtaining coverage under a qualified health plan.
- 202.3 Each hardship exemption shall be granted for at least the month before, the month or months during, and the month after a specific event or circumstances that qualified the individual for the exemption. A single approval shall not span more than one taxable year. Instead, an individual may submit separate applications for separate taxable years pursuant to § 230.2.

### **203 APPLICATION PROCESS**

- 203.1 Individuals shall apply for an affordability or hardship exemption using the designated applications published by the Authority.
- 203.2 The individual shall submit a separate application for each taxable year for which the individual is seeking an exemption.
- 203.3 The application shall be filed through one of the following methods:
- (a) By electronic mail, using the procedure described on the application.
  - (b) By mail, to the address listed on the application.
  - (c) Another method described on the application.
- 203.4 Individuals shall adhere to all instructions contained in the application. This includes:
- (a) Submitting all documents required for each hardship category;

- (b) Signing the application, attesting that that the answers and documents provided are an accurate representation of the information that should be used to determine their eligibility for an exemption; and
- (c) For individuals applying for an affordability exemption, accurately completing an Insurance Affordability Program application through the online platform maintained by the Authority.

203.5 If an individual submits an application that does not include sufficient information for the Authority to conduct an eligibility determination for an affordability or hardship exemption:

- (a) The Authority shall send a notice to the applicant indicating that information necessary to complete an eligibility determination is missing, specifying the missing information, and providing instructions on how to provide the missing information.
- (b) The notice shall provide the applicant with a period of no less than thirty (30) and no more than ninety (90) days, in the sole discretion of the Authority, from the date the notice is sent to the applicant to provide the information needed to complete the application. During this time, the Authority shall not proceed with the applicant's eligibility determination.
- (c) If the Exchange does not receive the requested information within the time allotted in paragraph (b), the Authority shall send a notice to the applicant denying the application. That notice shall inform the applicant of the right to appeal pursuant to § 260.

## **204 ELIGIBILITY VERIFICATION**

204.1 The Authority shall use the information attested to by the individual on the application, documents provided by the individual, and other information known to the Authority to determine the individual's eligibility for an exemption.

204.2 The Authority shall review income documentation using the procedures related to eligibility for advance payments of the premium tax credit, as specified in 45 CFR, Part 155, Subpart D, except that:

- (a) The Authority shall accept an individual's attestation on the application regarding eligibility for minimum essential coverage other than through an eligible employer-sponsored plan, instead of following the procedures specified in 45 CFR § 155.320(b);
- (b) The Authority shall use federal and local electronic data sources together with other information provided by the applicant and other information in the records of the Authority to verify income information. This

information shall be considered reasonably compatible with an applicant's attestation if any difference or discrepancy does not impact the eligibility of the applicant for the exemption or exemptions for which he or she applied; and

- (c) If information the Authority obtains is not reasonably compatible with the information on the application, the Authority shall send the individual a notice following the procedure outlined in § 230.5. If documentation needed to resolve the inconsistency does not exist or is not reasonably available to the applicant, and the Authority is unable to otherwise resolve the inconsistency, the Authority on a case-by-case basis may accept an applicant's attestation to the information which cannot otherwise be verified along with an explanation of circumstances as to why the applicant does not have the documentation.

## **205 REPORTING**

205.1 If the Authority grants an exemption determination certificate in accordance with this chapter, the Authority shall periodically transmit to the Chief Financial Officer:

- (a) The individual's name, Social Security number or Tax Identification Number and exemption determination certificate number; and
- (b) Other information based on consultation between the Authority and the Chief Financial Officer.

## **206 APPEALS**

206.1 All eligibility determinations or redeterminations under this chapter shall include notice of the right to appeal and instructions regarding how to file an appeal.

206.2 An individual has the right to appeal an eligibility determination for an exemption made in accordance with this chapter, including:

- (a) Initial eligibility determinations;
- (b) Redeterminations based on reported changes under § 200.6; and
- (c) In the case of a hardship exemption approval, the duration of the approval under § 220.3.

206.3 An appeal of an eligibility determination for an exemption under this section shall be treated as other exchange eligibility determination appeals pursuant to 45 CFR, Part 155, Subpart F, except that the decision of the exchange appeals entity may not be further appealed under 45 CFR § 155.520(c).

Section 9900, DEFINITIONS, of Title 26-D, HEALTH BENEFIT EXCHANGE, is amended to read as follows:

**9900 DEFINITIONS**

9900.1 When used in this chapter, the following terms shall have the meanings ascribed:

**Applicable plan** - the lowest cost bronze plan available in the individual market through the exchange established pursuant to D.C. Official Code § 31-3171.04(a)(1), without regard to whether the individual purchased that plan, or any plan, that would cover all individuals in the individual's nonexempt family, not including individuals treated as eligible for coverage under an eligible employer-sponsored plan under § 210.3. The premium for the applicable plan takes into account rating factors (for example an individual's age) that the Authority would use to determine the cost of coverage.

**Authority** - the District of Columbia Health Benefit Exchange Authority established pursuant to D.C. Official Code § 31-3171.02.

**Consumer Price Index or CPI** - the same meaning as provided in 9 DCMR § 3999.1

**Exchange** - the Health Benefit Exchange established under section 5 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.04).

**Health carrier** - has the same meaning as provided in D.C. Official Code § 31-3171.01(6).

**Household Income** -

- (1) For affordability exemption determinations under § 210.3, household income has the same meaning as provided in 9 DCMR § 3999.1.
- (2) For affordability exemption determinations under § 210.4, household income has the same meaning as provided in 9 DCMR § 3999.1 increased by any amount of the required contribution made through a salary reduction arrangement that is excluded from gross income.

**Maximum amount of any credit allowable under Section 36B** - the maximum amount of the credit that would be allowable to the individual, or to the taxpayer who can properly claim the individual as a dependent, under

Internal Revenue Code § 36B if all members of the individual's family enrolled in a qualified health plan through the Exchange.

**Nonexempt family -**

- (1) For individuals not listed as tax dependents for the applicable tax year, the individual and all individuals listed with the individual on their tax return, but not including individuals who are otherwise exempt under 9 DCMR § 3903.
- (2) For individuals listed as tax dependents for the applicable tax year, the individual and all individuals listed with the individual on the tax return for the individual that claims them, but not including individuals who are otherwise exempt under 9 DCMR § 3903.

**Plan Year** - the eligible employer-sponsored plan's regular twelve-month (12-month) coverage period, or for a new employee or an individual who enrolls during a special enrollment period, the remainder of a twelve month (12-month) coverage period.

**A new Chapter 89, INDIVIDUAL RESPONSIBILITY REQUIREMENT, is added to Subtitle A, INSURANCE, of Title 26 DCMR, INSURANCE, SECURITIES, AND BANKING, to read as follows:**

**CHAPTER 89 INDIVIDUAL RESPONSIBILITY REQUIREMENT**

**8900 GENERAL PROVISIONS**

- 8900.1 The provisions of this chapter are adopted under authority of D.C. Official Code §§ 47-5101 *et seq.*
- 8900.2 The provisions of this chapter shall become effective with respect to taxable years commencing after December 31, 2018.

**8901 EXEMPT INDIVIDUALS**

- 8901.1 An individual is an exempt individual, and is not required to maintain the minimum essential coverage specified in D.C. Official Code § 47-5102(a), for a month that includes a day with respect to which the individual:
- (a) Was a non-citizen of the United States, meaning the individual was not a U.S. citizen or U.S. national for any day during the month and was either:
    - (1) A nonresident alien (within the meaning of Section 26 USC § 7701(b)(1)(B)) for the taxable year that includes the month; or

(2) Not lawfully present (within the meaning of 45 CFR § 155.20) on any day in the month;

- (b) Was a U.S. citizen or a resident alien who was physically present in a foreign country or countries for at least three hundred thirty (330) full days during any period of twelve (12) consecutive months that included the applicable tax year;
- (c) Was incarcerated;
- (d) Was a member of an Indian tribe;
- (e) Was enrolled in the D.C. HealthCare Alliance;
- (f) Was a member of a health care sharing ministry;
- (g) Was a member of a religious sect or division that is recognized by the United States Social Security Administration as conscientiously opposed to accepting any insurance benefits, including Social Security and Medicare; or
- (h) Had a short coverage gap.

8901.2 An individual is treated as having minimum essential coverage for an entire month in which an individual is exempt under § 8901.1.

8901.3 If a calendar year includes more than one short coverage gap, the exemption provided by § 8901.1(h) only applies to the earliest short coverage gap.

8901.4 For purposes of applying § 8901.3 to the first taxable year, the months in the second taxable year included in the continuous period are disregarded. For purposes of applying § 8901.3 to the second taxable year, the months in the first taxable year included in the continuous period are taken into account.

8901.5 An individual is exempt from the District shared responsibility payment for the entire tax year if that individual is:

- (a) A taxpayer who is:
  - (1) Twenty-one (21) years of age or older as of the last date of the tax year and whose household income, as defined in 9 DCMR § 3999.1(k), for the taxable year is equal to or less than an amount equal to two hundred twenty-two percent (222%) (or a percentage determined by the Mayor pursuant to D.C. Official Code § 47-5102(b)(2)(C)) of the applicable federal poverty level as published annually by the Authority; or

- (2) Twenty (20) years of age or younger as of the last date of the tax year and not claimed as a dependent by another taxpayer and whose household income, as defined in 9 DCMR § 3999.1(k), for the taxable year is equal to or less than an amount equal to three hundred twenty-four percent (324%) (or a percentage determined by the Mayor pursuant to D.C. Official Code § 47-5102(b)(2)(C)) of the applicable federal poverty level as published annually by the Authority; or
- (b) A dependent who is:
- (1) Twenty-one (21) years of age or older as of the last date of the tax year and who can be claimed by a dependent of a taxpayer whose household income, as defined in 9 DCMR § 3999.1(k), for the taxable year is equal to or less than an amount equal to two hundred twenty-two percent (222%) (or a percentage determined by the Mayor pursuant to D.C. Official Code § 47-5102(b)(2)(C)) of the applicable federal poverty level as published by the Authority; or
  - (2) Twenty (20) years of age or younger as of the last date of the tax year and who can be claimed by a dependent of a District taxpayer whose household income, as defined in 9 DCMR § 3999.1(k), for the taxable year is equal to or less than an amount equal to three hundred twenty-four percent (324%) (or a percentage determined by the Mayor pursuant to D.C. Official Code § 47-5102(b)(2)(C)) of the applicable federal poverty level as published by the Authority.
- (c) For purposes of determining the applicable federal poverty level for this section, the number of persons in a family shall include:
- (1) For taxpayers with the District income tax filing status of single, head-of-household, qualifying widow(er) or married filing separately, the taxpayer and all dependents claimed by the taxpayer; or
  - (2) For taxpayers with the District income tax filing status of married filing jointly, registered domestic partners filing jointly, married filing separately on the same return, and registered domestic partners filing separately on the same return, the taxpayer, the taxpayer's spouse or registered domestic partner, and all dependents claimed by the taxpayer and his or her spouse or registered domestic partner.



**8902 MEC PLANS BY FEDERAL APPROVAL PRIOR TO 2018**

8902.1 Sponsors that sought recognition for the specific plans listed as minimum essential coverage (“MEC”) from the U.S. Secretary of Health and Human Services and received recognition on or before December 15, 2017, shall have plans recognized as having the MEC, unless and until the plan sponsor makes a substantial change to the benefits provided (*e.g.*, a reduction in benefits, increase in cost sharing, or the plan no longer complies with a requirement of Title I of the Affordable Care Act that applies to non-grandfathered, individual health insurance coverage as of December 15, 2017). The listing of approved plans can be accessed through the Centers for Medicare and Medicaid Services at the following web address: <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Market-Reforms/minimum-essential-coverage.html>.

**8999 DEFINITIONS**

8999.1 For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings, unless otherwise required by the context of this chapter:

**D.C. HealthCare Alliance** - the program established pursuant to Section 7 of the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1405).

**Eligible employer-sponsored plan** - With respect to any employee:

- (1) Group health insurance coverage offered by, or on behalf of, an employer to the employee that is:
  - (A) A governmental plan (within the meaning of Section 2791(d)(8) of the Public Health Service Act (42 USC § 300gg-91(d)(8));
  - (B) Any other plan or coverage offered in the small or large group market within the District or a State; or
  - (C) A grandfathered health plan offered in a group market; or
- (2) A self-insured group health plan under which coverage is offered by, or on behalf of, an employer to the employee.

**Government-sponsored program** - any of the following:

- (1) The Medicare program under part A of Title XVIII of the Social Security Act (42 USC § 1395c and following sections);

- (2) The Medicaid program under Title XIX of the Social Security Act (42 USC § 1396 and following sections);
- (3) The Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act (42 USC § 1397aa and following sections);
- (4) Medical coverage under Chapter 55 of Title 10 USC, including coverage under the TRICARE program;
- (5) The following health care programs under Chapters 17 or 18 of Title 38 USC:
  - (A) The medical benefits package authorized for eligible veterans under 38 U.S.C. §§ 1705 and 1710;
  - (B) The Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) authorized under 38 USC § 1781; and
  - (C) The comprehensive health care program authorized under 38 USC §§ 1803 and 1821 for certain children of Vietnam Veterans and Veterans of covered service in Korea who are suffering from spina bifida.
- (6) A health plan under Section 2504(e) of Title 22 USC (relating to Peace Corps volunteers); and
- (7) The Non-appropriated Fund Health Benefits Program of the Department of Defense, established under Section 349 of the National Defense Authorization Act for Fiscal Year 1995, approved October 5, 1994 (108 Stat. 2727; 10 USC § 1587, note).
- (8) Government-sponsored program” does not mean any of the following:
  - (A) Optional coverage of family planning services under Section 1902(a)(10)(A)(ii)(XXI) of the Social Security Act (42 USC § 1396a(a)(10)(A)(ii)(XXI));
  - (B) Optional coverage of tuberculosis-related services under Section 1902(a)(10)(A)(ii)(XII) of the Social Security Act (42 USC § 1396a(a)(10)(A)(ii)(XII));
  - (C) Coverage of pregnancy-related services under Sections 1902(a)(10)(A)(i)(IV) and (a)(10)(A)(ii)(IX) of the Social

- Security Act (42 USC §§ 1396a(a)(10)(A)(i)(IV), (a)(10)(A)(ii)(IX));
- (D) Coverage limited to treatment of emergency medical conditions in accordance with 8 USC § 1611(b)(1)(A), as authorized by Section 1903(v) of the Social Security Act (42 USC § 1396b(v));
  - (E) Coverage for medically needy individuals under Section 1902(a)(10)(C) of the Social Security Act (42 USC § 1396a(a)(10)(C)) and 42 CFR § 435.300 and following sections;
  - (F) Coverage authorized under Section 1115(a) of the Social Security Act (42 USC § 1315(a));
  - (G) Coverage under Sections 1079(a), 1086(c)(1), or 1086(d)(1) of Title 10 USC, that is solely limited to space available care in a facility of the uniformed services for individuals excluded from TRICARE coverage for care from private sector providers; or
  - (H) Coverage under Sections 1074a and 1074b of title 10 USC, for an injury, illness, or disease incurred or aggravated in the line of duty for individuals who are not on active duty.
- (9) Except for the program identified in § 8999.1(c)(7), a government-sponsored program described in this section is not an eligible employer-sponsored plan.

**Grandfathered health plan** - any group health plan or group health insurance coverage to which section 1251 of the Affordable Care Act (42 USC § 18011) applies.

**Health care sharing ministry** - an organization that:

- (1) Is described in § 501(c)(3) of the Internal Revenue Code and is exempt from tax under § 501(a) of the Internal Revenue Code;
- (2) Has (or its predecessor has) been in existence at all times since December 31, 1999;
- (3) Conducts an annual audit performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and makes the annual audit report available to the public upon request; and

- (4) Has members that:
  - (A) Share a common set of ethical or religious beliefs and share medical expenses among themselves in accordance with those beliefs and without regard to the District or state in which a member resides or is employed;
  - (B) Retain membership even after they develop a medical condition; and
  - (C) Have shared medical expenses continuously and without interruption since at least December 31, 1999.

**Immigrant Children's Program** - the program established pursuant to Section 2202(b) of the Medical Assistance Expansion Program Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 1-307.03(b)).

**Incarcerated** - confined, after the disposition of charges, in a jail, prison, or similar penal institution or correctional facility.

**Indian tribe** - a group or community described in § 45A(c)(6) of the Internal Revenue Code.

**Internal Revenue Code** - has the same meaning as under D.C. Official Code § 47-1801.04(28).

**Minimum essential coverage** - coverage under the following plans or programs:

- (1) The following plans or programs:
  - (A) A government-sponsored program;
  - (B) An eligible employer-sponsored plan;
  - (C) A plan in the individual market; or
  - (D) A grandfathered health plan.
- (2) The following plans or programs, as defined by 45 CFR § 156.602, as that section was in effect on December 15, 2017:
  - (A) Refugee Medical Assistance supported by the Administration for Children and Families;
  - (B) Medicare Advantage Plans, pursuant to Part C of Title XVIII of the Social Security Act; or
  - (C) State high risk pool coverage established on or before November 26, 2014 in the District or any State;
- (3) Any plan or arrangement under § 8902.1.

- (4) The Immigrant Children’s Program; or
- (5) Any plan or arrangement recognized by the Mayor by rule as minimum essential coverage.
- (6) “Minimum essential coverage” does not include:
  - (A) Any coverage that consists solely of excepted benefits described in Section 2791(c)(1), (c)(2), (c)(3), or (c)(4) of the Public Health Service Act (42 USC § 300gg-91(c)).
  - (B) Health coverage provided under multiple employer welfare arrangement if the multiple employer welfare arrangement did not provide coverage in the District on December 15, 2017, or it does not comply with federal law and regulations applicable to multiple employer welfare arrangements that were in place as of December 15, 2017.

**Month** - a calendar month.

**Multiple employer welfare arrangement** - has the same meaning as provided in Section 3(40) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 833; 29 USC § 1002(40)).

**Plan in the individual market** - health insurance coverage offered to individuals in the individual market within the District or a state, other than short-term limited duration insurance within the meaning of Section 2791(b)(5) of the Public Health Service Act (42 USC § 300gg-91(b)(5)). A qualified health plan offered by an Exchange is a plan in the individual market. If a territory of the United States elects to establish an Exchange under Section 1323(a)(1) and (b) of the Affordable Care Act (42 USC § 18043(a)(1), (b)), a qualified health plan offered by that Exchange is a plan in the individual market.

**Short coverage gap** - a continuous period of less than three (3) months in which the individual is not covered under minimum essential coverage. If the individual does not have minimum essential coverage for a continuous period of three (3) or more months, none of the months included in the continuous period are treated as included in a short coverage gap.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a), 38-1202.06)(3),(13) (2018 Repl.)), hereby gives notice of its intent to amend Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) 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 purpose of this rule is to adjust tuition rates for degree granting programs beginning in the fall semester of 2020.

The substance of the rules adopted herein was published in the *D.C. Register* on September 20, 2019 at 66 DCR 12522 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on November 19, 2019, and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:**

**Subsections 728.1–728.8 of Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS are amended as follows:**

728.1 The following tuition and fees have been approved by the Board of Trustees consistent with D.C. Official Code § 38-1202.06(8):

728.2	COMMUNITY COLLEGE ASSOCIATE DEGREE-GRANTING PROGRAMS	<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$117.00
	Metropolitan Area Residents	\$197.00
	All Other Residents	\$332.00

728.3	FLAGSHIP BACCALAUREATE DEGREE-GRANTING PROGRAMS	<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$324.00
	Metropolitan Area Residents	\$374.00
	All Other Residents	\$680.00

728.4 FLAGSHIP GRADUATE DEGREE-GRANTING PROGRAMS

		<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$513.00
	Metropolitan Area Residents	\$580.00
	All Other Residents	\$986.00
728.5	DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS FULL TIME PROGRAM STUDENTS (FALL & SPRING SEMESTERS ONLY)	
		<u>Per Semester</u>
	Washington, D.C. Residents	\$6,219.00
	Metropolitan Area Residents	\$9,328.00
	All Other Residents	\$12,436.00
728.6	DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS ALL OTHER STUDENTS	
		<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$422.00
	Metropolitan Area Residents	\$631.00
	All Other Residents	\$843.00
728.7	SCHOOL OF ENGINEERING BACCALAUREATE DEGREE-GRANTING PROGRAMS	
		<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$345.00
	Metropolitan Area Residents	\$400.00
	All Other Residents	\$725.00

728.8 DEFINITIONS

- (a) Full-Time Students. Any undergraduate or community student enrolled in at least twelve (12) credits hours per semester, or any graduate student enrolled in at least nine (9) credit hours per semester, shall be considered a full-time student for the purposes of calculation of tuition in accordance with this chapter. Full-time undergraduate and community college students shall be charged tuition for each semester in which they are enrolled in the amount of twelve (12) credit hours, regardless of the number of credit hours actually taken. Full-time graduate students shall be charged tuition for each semester in which they are enrolled in the amount of nine (9) credit hours, regardless of the number of credit hours actually taken.
- (b) Metropolitan Area Residents. Any individual who can establish residency in one of the following counties shall be considered a Metropolitan Area Resident: Montgomery County, Maryland; Prince George’s County, Maryland; Arlington County, Virginia; Alexandria County, Virginia; Fairfax County, Virginia. The standards used to establish residency shall be the same standards used to establish residency for District residents.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKINGRM3-2019-01 – UTILITY CONSUMER BILL OF RIGHTS AND RESPONSIBILITIES;RM36-2019-01 – ELECTRICITY QUALITY OF SERVICE STANDARDS; ANDRM37-2019-02 – NATURAL GAS QUALITY OF SERVICE STANDARDS,

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), commonly referred to as the “Consumer Bill of Rights” (CBOR). The Commission shall take final rulemaking action in not less than thirty (30) days after publication of this Notice in the *D.C. Register*.

2. On November 22, 2019, a Notice of Proposed Rulemaking (NOPR) was published in the *D.C. Register* requesting comments on the proposed amendments to Section 304 (Billing) to include Billing Error Notifications.<sup>1</sup> The Billing Error Notification provisions are being moved from Section 3604 of Chapter 36 (Electricity Quality of Service Standards) and Section 3706 of Chapter 37 (Natural Gas Quality of Service Standards) to Section 304 of Chapter 3, to better align the provisions with other utility-related billing information. In addition, the Commission proposed to add a new provision indicating that failure to comply with the provisions of the Section could result in sanctions.

3. On December 23, 2019, the Potomac Electric Power Company and Vistra Energy Corp. filed comments to the NOPR. Based on the comments the Commission proposes further amendments to the Section 304 of the CBOR. Specifically, amendments were made to: (a) Subsection 304.16(b) to increase the time from three (3) to five (5) business days for which an initial billing error notification must be submitted; (b) Subsection 304.18 (e) to prescribe the timing for completion of corrective actions and to clarify that it is the customer who is to receive the credit/refund; (c) Subsection 304.21 to clarify that the same reporting threshold requirements of Subsection 304.16 apply to this subsection; (d) Subsection 304.22 which prescribes the Commission’s authority to impose sanctions and proposes a cross-reference to the appropriate statutory provision for sanctions; and (e) Subsection 399 to enhance the definition section to include the terms Billing Error and Office of Compliance and Enforcement. This NOPR supersedes the First NOPR published on November 22, 2019.

**The following amendments to Title 15 are proposed (additions are shown in bold underline text and deletion are shown in ~~bold strikethrough text~~).**

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<sup>1</sup> 66 DCR 15545-15548 (November 22, 2019).



**Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, is amended as follows:**

**Section 304, BILLING AND BILLING ERROR NOTIFICATION, is amended as follows:**

**Subsections 304.16 - .22 are added to read as follows:**

304.16 When a billing error has occurred, the Electric Utility, Natural Gas Utility or the Energy Suppliers shall:

- (a) Notify the Commission and the Office of the People's Counsel (~~"OPC"~~) when a billing error has affected one hundred (100) or more customers or when the number of affected customers is equal to or more than two (2) percent of the Electric Utility, Natural Gas Utility or Energy Supplier's customer base in the District, whichever is fewer. The Electric Utility, Natural Gas Utility or Energy Supplier with a customer base of fewer than one hundred (100) customers shall report errors when two (2) or more customers are affected.
- (b) Submit an initial billing error notification within five (5) ~~three (3)~~ business days of discovering or being notified of the error. After submitting the initial notification, the Electric Utility, Natural Gas Utility or Energy Supplier must submit a follow-up written report within fourteen (14) calendar days and a final written report within sixty (60) calendar days.
- (c) Send the initial billing error notification via e-mail to the Commission's Office of Compliance & Enforcement (~~"OCE"~~) and the Office of the People's Counsel OPC, and subsequently file the notice required by Subsection 304.16(b) with the Commission and provide a copy to the Office of the People's Counsel OPC.

304.17 The initial billing error notification shall contain the following information:

- (a) Type(s) of billing error(s) found;
- (b) Date and time the billing error(s) was discovered;
- (c) How the Electric Utility, Natural Gas Utility or Energy Supplier discovered the error(s); and
- (d) Approximate number of customers affected.

304.18 The Electric Utility, Natural Gas Utility or Energy Supplier shall file a follow-up written report with the Commission, with a copy provided to the Office of the

People's Counsel OPC, within fourteen (14) calendar days of the initial report. The follow-up written report, shall contain the following information:

- (a) Type(s) of billing error(s);
- (b) Date and time of the billing error(s);
- (c) Number of customers affected;
- (d) Cause of the error and status of any and all corrective action(s) taken; and
- (e) Timeline for completing any and all other required corrective action(s) which must include the provision of refunds and/or credits, **to be received by the customer**, no later than 60 days after the billing error(s) was discovered, as necessary to correct the billing error(s).

304.19 The Electric Utility, Natural Gas Utility or Energy Supplier shall file a final written report with the Commission and provide a copy to **the Office of the People's Counsel OPC**. The final written report shall contain the following information:

- (a) Type(s) of billing error(s);
- (b) Date and time of billing error(s);
- (c) Number of customers affected, and the dollar amount involved;
- (d) Duration of the billing error(s);
- (e) Cause of the error, corrective action(s) and preventative measure(s) taken; and
- (f) Lessons learned, if any.

304.20 Upon receipt of the final written report, the Commission shall determine whether any further investigation is necessary.

304.21 No later than sixty (60) days after the date the Electric Utility, Natural Gas Utility or Energy Supplier discovers or is notified of the billing error(s), **consistent with the requirements of Subsection 304.16**, it shall notify each affected customer of the following:

- (a) The nature of the error;
- (b) The amount by which the customer's previous bill(s) was inaccurate;

- (c) If appropriate, the steps the Electric Utility, Natural Gas Utility or Energy Supplier will take to ensure that the customer receives a full refund if overbilled, or when customers will be required to make payment if underbilled, no later than sixty (60) days; and
- (d) The Electric Utility, Natural Gas Utility or Energy Supplier shall by letter, bill insert, or any other means by which the Electric Utility, Natural Gas Utility or Energy Supplier and the customer have agreed to communicate, **summarily** describe to customers the nature of the billing error and the corrective action that the company intends to implement. If a refund or outstanding balance appears on a customer's billing statement, the Electric Utility, Natural Gas Utility or Energy Supplier shall provide a clear description and explanation of the reason(s) for the error **in the letter, bill insert, or other means by which the customer has agreed to receive communication.**

304.22 Any Electric Utility, Natural Gas Utility or Energy Supplier that violates this section may be subject to Sanctions as determined by the Commission ~~and~~ **consistent with D.C. Code §34-706 et. seq.**

Section 399, DEFINITIONS is amended to read as follows:

**Billing Error -- an under charge or over charge that is caused by, but not limited to, any of the following: (1) an incorrect actual meter reading by an Electric Utility or Natural Gas Utility; (2) an incorrect remote meter read; (3) an incorrect meter constant or pressure factor; (4) an incorrect calculation of the applicable rate; (5) a meter switched by an Electric Utility or Natural Gas Utility; (6) an incorrect application of a rate schedule; and (7) another similar act or omission by the utility, or Energy Supplier, in determining the amount of a customer's bill. An undercharge or overcharge that is caused by a non-registering meter, a meter error, or the use of an estimated meter reading is not a billing error.**

**Office of Compliance and Enforcement (OCE) is an office of the Commission designated to perform responsibilities in accordance with this chapter.**

Section 3604, BILLING ERROR NOTIFICATION, of Chapter 36, ELECTRICITY QUALITY OF SERVICE STANDARDS, is repealed in its entirety.

Section 3706, BILLING ERROR NOTIFICATION, of Chapter 37, NATURAL GAS QUALITY OF SERVICE STANDARDS, is repealed in its entirety.

4. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* 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 or electronically on the Commission's website at: [https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission's website at [www.dcpsec.org](http://www.dcpsec.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150, or send an email to: [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

## DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999 (“Act”), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl. & 2017 Supp.)); Section 4902(d) 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(d) (2018 Repl. & 2019 Supp.)); Sections 2 and 3 of the Act, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code §§ 7-1671.01(19) and 7-1671.02(c)(2) (2018 Repl. & 2019 Supp.)); and Mayor’s Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapters 5 (Qualifying Patients) and 99 (Definitions) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (“DCMR”).

This emergency action is necessary to protect the public by ensuring that nonresidents who are enrolled in medical marijuana programs from all states across the country are able to purchase medical marijuana in the District of Columbia. These changes are patient-centric and intended to ensure that the nonresident patients are able to get the help needed while in the District of Columbia. Further, the changes are needed to prevent nonresident patients from being compelled to patronize illegal establishments or sources to purchase marijuana that may be unsafe.

The purpose of this rulemaking is to amend the regulations governing the participation of nonresident qualifying patients in the District’s Medical Marijuana Program to allow nonresidents who are enrolled in medical marijuana programs from all states that issue registration cards or state-issued documents to purchase medical marijuana in the District of Columbia.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 25, 2019 at 66 DCR 14109. Those emergency rules were adopted on July 25, 2019 and expired one hundred twenty (120) days from the date of adoption, on November 22, 2019. This emergency rulemaking action is necessary to maintain the continuity of these provisions pending Council Review and publication of the final rulemaking.

No comments were received after the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 25, 2019. Accordingly, no changes have been made and this emergency rulemaking is identical to the Notice of Emergency and Proposed Rulemaking published in the *D.C. Register* on October 25, 2019.

This emergency rulemaking was adopted on November 19, 2019, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, March 18, 2020, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

**Chapter 5, QUALIFYING PATIENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:**

**Section 503, NONRESIDENT QUALIFYING PATIENTS, is amended as follows:**

**Subsections 503.1 and 503.2 are amended to read as follows:**

- 503.1 Before dispensing medical marijuana to a nonresident qualifying patient, a registered dispensary shall:
- (a) Verify the nonresident qualifying patient's identity through comparison of his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card or state-issued document; and
  - (b) Confirm through the electronic records data system that the nonresident qualifying patient has not reached the allowable limit for the thirty (30) day period.
- 503.2 A registered dispensary shall not dispense medical marijuana to a nonresident qualifying patient who is unable to present his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card or state-issued document.

**Section 9900, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended as follows:**

**Subsection 9900.1 is amended as follows:**

**The term "Functional Equivalent" is repealed.**

**The term "Nonresident Card" is amended to read as follows:**

**Nonresident Card-** a medical marijuana patient card issued by a state that has an active medical marijuana program and issues either a card or state-issued document evidencing the patient's participation in the program.

**The following new definition is added to appear in alphabetical order:**

**State-issued document-** A document issued by the State agency responsible for administering the medical marijuana program in that state, which bears on its face the nonresident patient's name and program identification number, and an official seal or imprint.

These rules were published as Emergency and Proposed Rulemaking in the *D.C. Register* on October 25, 2019, for the thirty (30) day public comment period. No comments were received after publication of the Notice. Copies of the Emergency and Proposed Rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting 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.

**DEPARTMENT OF BEHAVIORAL HEALTH****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (Department), pursuant to the authority set forth in §§ 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 updates to Chapter 34 (Mental Health Rehabilitation Services Provider Certification Standards) in Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Department's Mental Health Rehabilitation Services (MHRS) benefit provides consumers with Counseling as a core service through Department-certified MHRS providers. The current regulation does not include two (2) trauma-specific services: 1) Trauma Recovery and Empowerment Model (TREM), and 2) Trauma Systems Therapy (TST). Providers who wish to provide these trauma-specific services can only bill under the general category of Counseling, a service definition that lacks the specific regulatory requirements to ensure that TREM and TST are provided with fidelity to the models.

The Department, in partnership with the Department of Health Care Finance, submitted a Section 1115 Behavioral Health Transformation Demonstration Program (demonstration program) application to the Centers for Medicare and Medicaid Services (CMS) on June 3, 2019 and received federal approval on November 6, 2019. Under the demonstration program, the District received authority to provide new behavioral health services reimbursed by the Medicaid program. This includes making TREM and TST a specialty service, apart from the core service of Counseling, and increasing the reimbursement rate for TREM and TST in order to: 1) more accurately value these services, and 2) increase the availability of trauma-specific services in the District. The goals of this demonstration program are to increase access to a broader continuum of behavioral health services for District Medicaid beneficiaries, advance the District's goals in the Opioid Strategic Plan *Live. Long. DC.*, and support a more person-centered system of physical and behavioral health care. Further information on the demonstration program is available at <https://dhcf.dc.gov/1115-waiver-initiative>.

The purpose of the updates to the Chapter 34 rule is to implement new certification standards for providers to specifically become certified as TREM and TST providers in the MHRS program. This will allow certified providers to bill the higher reimbursement rate for TREM and TST beginning March 1, 2020. These certification standards are to ensure that TREM and TST provider staff is appropriately trained in the respective modalities and are able to deliver high quality care.

Emergency rulemaking is critical to public health as the rule establishes provider certification standards governing the provision of TREM and TST. Additionally, to meet the deadlines of the Section 1115 waiver demonstration implementation plan, the Department requires the Emergency Rules to begin appropriate work immediately.

These emergency rules were adopted on January 14, 2020 and became effective on that date. The emergency rules shall remain in effect for no longer than one hundred and twenty (120) calendar days, or May 13, 2020, unless superseded by publication of subsequent rulemaking in the *D.C. Register*.

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

**Chapter 34, MENTAL HEALTH REHABILITATION SERVICES PROVIDER CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended to read as follows:**

**Section 3402, SERVICE COVERAGE, is amended by amending § 3402.4 to read as follows:**

- 3402.4        Rehabilitative services covered as Mental Health Rehabilitation Services (MHRS) are:
- (a)    Diagnostic/Assessment;
  - (b)    Medication/Somatic Treatment;
  - (c)    Counseling;
  - (d)    Community Support;
  - (e)    Crisis/Emergency;
  - (f)    Rehabilitation/Day Services;
  - (g)    Intensive Day Treatment;
  - (h)    Community-Based Intervention (CBI);
  - (i)    Assertive Community Treatment (ACT);
  - (j)    Psychosocial Rehabilitation Clubhouse;
  - (k)    Trauma Recovery and Empowerment Model (TREM); and
  - (l)    Trauma Systems Therapy (TST).



**Section 3402, SERVICE COVERAGE, is amended by amending § 3402.8(e) to read as follows:**

3402.8

...

- (e) The service shall be delivered in accordance with the service specific standards set forth in § 3414, § 3415, § 3416, § 3417, § 3418, § 3419, § 3420, § 3421, § 3422, § 3423, § 3429, and § 3430.

**Section 3410, MHRS PROVIDER QUALIFICATIONS: GENERAL, is amended by amending § 3410.13 to read as follows:**

3410.13 Each MHRS provider shall establish and adhere to policies and procedures requiring that treatment be provided in accordance with the service specific standards in § 3414, § 3415, § 3416, § 3417, § 3418, § 3419, § 3420, § 3421, § 3422, § 3423, § 3429, and § 3430 (Service Specific Policy). The Service Specific Policy shall:

- (a) Address supervision requirements and required caseload ratios that are appropriate to the population served and treatment modalities employed; and
- (b) Include a written description of the services offered by the MHRS provider (Service Description) describing the purpose of the service, the hours of operation, the intended population to be served, treatment modalities provided by the service, treatment objectives, and expected outcomes.

**Section 3413, QUALIFIED PRACTITIONERS AND CREDENTIALLED STAFF, is amended by amending § 3413.1 to read as follows:**

3413.1 MHRS shall be provided by qualified practitioners either directly or under the supervision of another qualified practitioner as set forth in this chapter. Qualified practitioners are:

- (a) Psychiatrists;
- (b) Psychologists;
- (c) Licensed Independent Clinical Social Workers (LICSWs);
- (d) Advanced Practice Registered Nurses (APRNs);
- (e) Registered Nurses (RNs);
- (f) Licensed Professional Counselor (LPC);

- (g) Licensed Independent Social Workers (LISWs);
- (h) Certified Addiction Counselors;
- (i) Licensed Marriage and Family Therapists (LMFTs);
- (j) Licensed Graduate Social Workers (LGSWs);
- (k) Licensed Graduate Professional Counselors (LGPCs); and
- (l) Psychology Associates.

**§ 3413.7 is amended to read as follows:**

3413.7 Qualified practitioners are authorized to provide MHRS as described below:

- (a) Psychiatrists are authorized to provide:
  - (1) Diagnostic/Assessment;
  - (2) Medication/Somatic Treatment;
  - (3) Counseling;
  - (4) Community Support;
  - (5) Crisis/Emergency;
  - (6) Rehabilitation/Day Services;
  - (7) Intensive Day Treatment;
  - (8) CBI;
  - (9) ACT;
  - (10) TREM; and
  - (11) TST.
- (b) Psychologists are authorized to provide:
  - (1) Diagnostic/Assessment;

- (2) Counseling;
  - (3) Community Support;
  - (4) Crisis/Emergency;
  - (5) Rehabilitation/Day Services;
  - (6) Intensive Day Treatment;
  - (7) CBI;
  - (8) ACT;
  - (9) TREM; and
  - (10) TST.
- (c) LICSWs are authorized to provide:
- (1) Diagnostic/Assessment;
  - (2) Counseling;
  - (3) Community Support;
  - (4) Crisis/Emergency;
  - (5) Rehabilitation/Day Services;
  - (6) Intensive Day Treatment;
  - (7) CBI;
  - (8) TREM; and
  - (9) TST.
- (d) LISWs are authorized to provide:
- (1) Diagnostic/Assessment;
  - (2) Counseling;
  - (3) Community Support

- (4) Crisis/Emergency;
  - (5) Rehabilitation/Day Services;
  - (6) Intensive Day Treatment;
  - (7) CBI;
  - (8) TREM; and
  - (9) TST.
- (e) APRNs are authorized to provide:
- (1) Diagnostic/Assessment;
  - (2) Medication/Somatic Treatment;
  - (3) Counseling;
  - (4) Community Support;
  - (5) Crisis/Emergency;
  - (6) Rehabilitation/Day Services;
  - (7) Intensive Day Treatment;
  - (8) CBI;
  - (9) ACT;
  - (10) TREM; and
  - (11) TST.
- (f) RNs are authorized to provide:
- (1) Diagnostic/Assessment (assessment only);
  - (2) Medication/Somatic Treatment;
  - (3) Counseling;
  - (4) Community Support;

- (5) Rehabilitation/Day Services;
  - (6) Intensive Day Treatment;
  - (7) CBI; and
  - (8) ACT.
- (g) LPCs are authorized to provide:
- (1) Diagnostic/Assessment (assessment only);
  - (2) Counseling;
  - (3) Community Support;
  - (4) Rehabilitation/Day Services;
  - (5) Intensive Day Treatment;
  - (6) CBI;
  - (7) TREM; and
  - (8) TST;
- (h) Certified Addiction Counselors are authorized to provide:
- (1) Diagnostic/Assessment (assessment only);
  - (2) Counseling;
  - (3) Community Support;
  - (4) Rehabilitation/Day Services;
  - (5) Intensive Day Treatment;
  - (6) CBI; and
  - (7) ACT.
- (i) Licensed Marriage and Family Therapists are authorized to provide:
- (1) TREM; and

- (2) TST.
- (j) Licensed Graduate Social Workers are authorized to provide:
  - (1) TREM; and
  - (2) TST.
- (k) Licensed Graduate Professional Counselors are authorized to provide:
  - (1) TREM; and
  - (2) TST.
- (l) Psychology Associates are authorized to provide:
  - (1) TREM; and
  - (2) TST.

**§ 3413.8 is amended by adding two additional rows to read as follows:**

TREM	<ul style="list-style-type: none"> <li>• Psychiatrists</li> <li>• Psychologists</li> <li>• LICSWs</li> <li>• APRNs with psychiatry as a specialty area of practice</li> <li>• LMFTs</li> <li>• LPCs</li> </ul>	<ul style="list-style-type: none"> <li>• LISWs</li> <li>• LGSWs</li> <li>• LGPCs</li> <li>• Psychology Associates</li> </ul>
TST	<ul style="list-style-type: none"> <li>• Psychiatrists</li> <li>• Psychologists</li> <li>• LICSWs</li> <li>• APRNs with psychiatry as a specialty area of practice</li> <li>• LMFTs</li> <li>• LPCs</li> </ul>	<ul style="list-style-type: none"> <li>• LGSWs</li> <li>• LGPCs</li> <li>• LISWs</li> <li>• Psychology Associates</li> </ul>

**Section 3414, COVERED MHRS, is amended by amending § 3414.3 to read as follows:**

3414.3 Covered specialty services shall be Crisis/Emergency, Rehabilitation/Day Services, Intensive Day Treatment, CBI, ACT, TREM, and TST.

**Section 3417, COUNSELING, is amended by amending § 3417.4 to read as follows:**

3417.4 Counseling shall not be billed on the same day as:

- (a) Rehabilitation/Day Services;



<p>Diagnostic/ Assessment</p>	<ul style="list-style-type: none"> <li>• One (1) every six (6) months</li> <li>• Additional units allowable when pre-authorized for periodic assessment, pre-hospitalization screening, neuropsychological assessment and re-admission to Rehabilitation/Day Services</li> <li>• Shall not be billed the same day as ACT</li> <li>• Provided only in a community-based MHRS provider or other community setting, or residential facility of sixteen (16) beds or less</li> </ul>	<p>An assessment, which is at least three (3) hours in duration</p>
<p>Medication/Somatic Treatment</p>	<ul style="list-style-type: none"> <li>• No annual limit</li> <li>• Shall not be billed the same day as ACT</li> <li>• Provided only in a community-based MHRS provider or other community setting, or residential facility of sixteen (16) beds or less</li> </ul>	<p>Fifteen (15) minutes</p>
<p>Counseling</p>	<ul style="list-style-type: none"> <li>• One hundred sixty (160) units per year</li> <li>• Additional units allowable with prior authorization by DMH</li> <li>• Shall not be billed the same day as Rehabilitation/Day Services, Intensive Day Treatment, CBI, ACT, or TST</li> <li>• CPP-FV Counseling and TF-CBT Counseling shall not be billed on the same day as TREM or TST</li> <li>• Shall be rendered face-to-face, when consumer is present, unless there is adequate documentation to justify why the consumer was not present during the session</li> <li>• May be provided in individual on-site, individual off- site or group</li> <li>• Provided only in a community-based MHRS provider or other community setting, or residential facility of sixteen (16) beds or less</li> </ul>	<p>Fifteen (15) minutes</p>
<p>Community Support</p>	<ul style="list-style-type: none"> <li>• No annual limits</li> <li>• Shall not be billed on the same day as ACT</li> <li>• May be provided individually or in a group</li> <li>• Provided only in a community-based MHRS provider or other community</li> </ul>	<p>Fifteen (15) minutes</p>



	setting, or residential facility of sixteen (16) beds or less	
Crisis/ Emergency	<ul style="list-style-type: none"> <li>• No annual limits</li> <li>• Provided only in a community-based MHRS provider or other community setting, or residential facility of sixteen (16) beds or less</li> </ul>	Fifteen (15) minutes
Rehabilitation/Day Services	<ul style="list-style-type: none"> <li>• Ninety (90) days within a twelve (12) month period</li> <li>• Additional units allowable with prior authorization by DMH Shall not be billed on the same day as Counseling</li> <li>• Shall not be billed on the same day as Counseling, ACT, TREM, or TST</li> <li>• Provided only in a community-based MHRS provider or other community setting, or residential facility of sixteen (16) beds or less</li> </ul>	One (1) day (which shall consist of at least three (3) hours)
Intensive Day Treatment	<ul style="list-style-type: none"> <li>• Seven (7) days</li> <li>• Additional units allowable after seven (7) days or for the second and any additional episodes of care within a twelve (12) month period with prior authorization by DMH</li> <li>• Shall not be billed on the same day as any other MHRS, except for Crisis/Emergency, Community Support and CBI.</li> <li>• Up to three (3) hours of Diagnostic/Assessment may be billed during each episode of Intensive Day Treatment</li> <li>• Provided only in a community-based MHRS provider Intensive Day Treatment Facility</li> </ul>	One (1) day (which shall consist of at least five (5) hours)
CBI	<ul style="list-style-type: none"> <li>• Prior authorization from DMH required for enrollment</li> <li>• Shall not be billed on the same day as ACT, Counseling, Intensive Day Treatment, TREM, or TST</li> <li>• Provided only in a community-based MHRS provider or other community setting, or residential facility of sixteen (16) beds or less</li> </ul>	One (1) hour (or part thereof)
Assertive	<ul style="list-style-type: none"> <li>• Prior authorization from DMH required</li> </ul>	One (1) hour (or part

Community Treatment	for enrollment • Shall not be billed on the same day as any other MHRS, except for Crisis/Emergency with retrospective authorization	thereof)
TREM	• TREM shall not be billed on the same day as Rehabilitation Day Services, IDT, CBI, ACT, CPP, or TF-CBT • Provided only in an MHRS provider’s service site, or residential facility of sixteen (16) beds or less unless otherwise stated by the Department	Fifteen (15) minutes
TST	• TREM shall not be billed on the same day as Counseling, Rehabilitation/Day Services, IDT, CBI, ACT, CPP, or TF-CBT • Provided only in an MHRS provider’s service site, or in natural settings, including the home or community settings	Fifteen (15) minutes

**A new Section 3429 is added to read as follows:**

**3429 TRAUMA RECOVERY AND EMPOWERMENT MODEL**

3429.1 TREM is a structured group therapy intervention designed for individuals who have survived trauma and have substance use disorders and/or mental health conditions. TREM draws on cognitive restructuring, skills training, and psychoeducational and peer support to address recovery and healing from sexual, physical, and emotional abuse. A curriculum for each model outlines the topic of discussion, a rationale, a set of goals, and a series of questions to be posed to the group in addition to an experiential exercise for each session.

3429.2 The TREM components are:

- (a) Therapy sessions focused on empowerment, self-comfort, and accurate self-monitoring, as well as ways to establish safe physical and emotional boundaries;
- (b) Therapy sessions focused on the trauma experience and its consequences; and
- (c) Therapy sessions focused on skills building, including emphases on communication style, decision-making, regulating overwhelming feelings, and establishing safer, more reciprocal relationships.

- 3429.3 Each TREM group is population specific and on average consists of eighteen (18) to twenty-four (24) sessions, with each session at least seventy-five (75) minutes in duration. Population-specific groups include:
- (a) TREM for women;
  - (b) TREM for men;
  - (c) TREM for girls twelve (12) to eighteen (18) years of age;
  - (d) TREM for boys twelve (12) to eighteen (18) years of age; and
  - (e) TREM for individuals who are lesbian, gay, bisexual, transgender, questioning, intersex, or asexual (groups for either individuals under eighteen (18) or individuals eighteen (18) years of age and over).
- 3429.4 Due to the sensitive nature of the discussions, TREM requires at least two (2) facilitators to be assigned to every group to ensure the safety and continuity of the group. At least one (1) facilitator must be an independently licensed qualified practitioner. A team approach is required to: address situations that may arise within the group; decrease burnout; provide continuity if one facilitator is absent; and to lend additional therapeutic support to the group. Qualified practitioners staff working as facilitators must have completed Department-approved, population-specific TREM training.
- 3429.5 TREM may be provided without prior authorization from the Department.
- 3429.6 TREM shall not be billed on the same day as:
- (a) Rehabilitation/Day Services;
  - (b) Intensive Day Treatment;
  - (c) CBI;
  - (d) ACT;
  - (e) CPP; or
  - (f) TF-CBT.
- 3429.7 TREM shall be provided:
- (a) At the MHRS provider's service site; or

- (b) In a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.

3429.8 Qualified Practitioners of TREM are:

- (a) Psychiatrists;
- (b) Psychologists;
- (c) LICSWs;
- (d) APRNs with psychiatry as a specialty area of practice;
- (e) LMFTs;
- (f) LPCs;
- (g) LISWs;
- (h) LGSWs;
- (i) LGPCs; and
- (j) Psychology Associates.

3429.9 Certified Recovery Coaches, Certified Peer Specialists, and Certified Addiction Counselors I and II who have successfully completed a TREM group and Department-approved TREM training shall be authorized to support TREM services under the supervision of the two (2) group facilitators.

**A new Section 3430 is added to read as follows:**

**3430 TRAUMA SYSTEMS THERAPY**

3430.1 TST is a comprehensive, phase-based model for treating traumatic stress in children and adolescents that adds to individually-based approaches by specifically addressing the child's social environment and/or system of care. TST is designed to provide an integrated highly coordinated system of services guided by the specific understanding of the nature of child traumatic stress. TST focuses on the interaction between the child's difficulties regulating their emotions and the deficits within the child's social environment. The three (3) phases of the model are Safety-Focused, Regulation-Focused, and Beyond Trauma.

3430.2 On average, individual TST sessions are one (1) to three (3) sessions per week, depending on the phase of treatment. Sessions are on average forty-five (45) to sixty (60) minutes in duration.

- 3430.3 TST is intended for children and youth ages six (6) through eighteen (18) years of age, who have:
- (a) Been exposed to trauma;
  - (b) Plausible trauma histories;
  - (c) Difficulty regulating emotional and behavioral states;
  - (d) Dysregulation that is plausibly related to the trauma history; and
  - (e) Stable housing or a plan to achieve stable housing in the community.
- 3430.4 At a minimum, the TST team shall include:
- (a) A TST-trained supervisor who provides the clinical and administrative supervision of the TST team. The supervisor shall be an independently licensed qualified practitioner experienced in providing individual, group, marital, or family counseling or psychotherapy;
  - (b) Access to a psychiatrist to monitor each youth's clinical status and response to treatment, and to direct psychopharmacologic treatment or consult with the consumer's psychopharmacologic treatment team. The psychiatrist shall be knowledgeable in TST ("be TST-informed");
  - (c) TST-trained therapists who provide individual therapy. Therapists shall hold a Master's degree in psychology, social work, counseling, or other related field and shall be appropriately licensed by the jurisdiction where services are delivered and practice within the scope of their license.
  - (d) TST-trained individuals who are qualified practitioners of Community-Based Intervention or who are credentialed to provide Community Support to provide crisis support, care coordination, skills building, and TST treatment plan support; and
  - (e) Individuals who provide Legal Advocacy Support and who are knowledgeable in TST ("are TST-informed").
- 3430.5 All TST supervisors and therapists shall have completed DBH-approved TST training.
- 3430.6 Providers of TST services shall maintain certification as a TST provider from a DBH-approved training entity.
- 3430.7 TST shall not require prior authorization.

3430.8 TST shall not be billed on the same day as:

- (a) Counseling;
- (b) Rehabilitation/Day Services;
- (c) Intensive Day Treatment
- (d) CBI;
- (e) ACT;
- (f) CPP; or
- (g) TF-CBT.

3430.9 TST shall be provided:

- (a) At the MHRS provider's service site; or
- (b) In natural settings, including the consumer's home or community settings.

3430.10 Qualified Practitioners of TST are:

- (a) Psychiatrists;
- (b) Psychologists;
- (c) LICSWs;
- (d) APRNs with psychiatry as a specialty area of practice;
- (e) LMFTs;
- (f) LPCs;
- (g) LGSWs;
- (h) LGPCs;
- (i) LISWs; and
- (j) Psychology Associates.

3430.11 Services provided by qualified practitioners who are subject to supervision requirements, per applicable licensing and registration laws and regulations, shall be supervised by a qualified practitioner who is:

- (a) Licensed to practice independently, and
- (b) Trained in TST, as required by this Chapter's TST requirements.

**Section 3499, DEFINITIONS, is amended by amending § 3499.1 as follows:**

**The definition of “service specific standards” is amended to read as follows:**

**Service specific standards** - the certification standards described in § 3414, § 3415, § 3416, § 3417, § 3418, § 3419, § 3420, § 3421, § 3422, § 3423, § 3429, and § 3430 which set forth the specific requirements applicable to each MHRS.

**The definition of “specialty services” is amended to read as follows:**

**Specialty services** - Assertive Community Treatment, Community-Based Interventions, Clubhouse, Crisis Intervention/Emergency, Intensive Day Treatment, Rehabilitation/Day Services, Trauma Recovery and Empowerment Model, and Trauma Systems Therapy.

All persons desiring to comment on the subject matter of this proposed rule should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Trina Dutta, Director, Strategic Management and Policy Division, Department of Behavioral Health, 64 New York Ave, N.E., Second Floor, Washington, D.C. 20002, (202) 671-4075, [trina.dutta@dc.gov](mailto:trina.dutta@dc.gov), or [DBHpubliccomments@dc.gov](mailto:DBHpubliccomments@dc.gov).

**DEPARTMENT OF BEHAVIORAL HEALTH****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Behavioral Health (Department), pursuant to the authority set forth in §§ 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 a new Chapter 37 (Mental Health Supported Employment Services and Provider Certification Standards) in Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Department provides an evidence-based Supported Employment program designed for Mental Health Rehabilitation Services (MHRS) consumers for whom competitive employment has been interrupted or is intermittent as a result of a severe mental illness. Supported Employment services assist consumers in obtaining and maintaining permanent part-time or full-time employment in a competitive setting where the consumer earns at least minimum wage. Supports include vocational assessments, job development, job coaching, coordination with the consumer's treatment team, and other therapeutic and vocational follow-along supports. The Department contracts with specific Department-certified MHRS providers to deliver Supported Employment services.

The Department, in partnership with the Department of Health Care Finance, submitted a Section 1115 Behavioral Health Transformation Demonstration Program (demonstration program) application to the Centers for Medicare and Medicaid Services (CMS) on June 3, 2019 and received federal approval on November 6, 2019. Under the demonstration program, the District received authority to provide new behavioral health services reimbursed by the Medicaid program. This includes reimbursing for the vocational Supported Employment services that the Department currently funds with local dollars. The goals of this demonstration program are to increase access to a broader continuum of behavioral health services for District Medicaid beneficiaries, advance the District's goals in the Opioid Strategic Plan *Live.Long.DC.*, and support a more person-centered system of physical and behavioral health care. Further information on the demonstration program is available at <https://dhcf.dc.gov/1115-waiver-initiative>.

The purpose of the revised Chapter 37 rule is to implement demonstration program requirements for reimbursement of Supported Employment services, beginning on February 1, 2020. This includes the addition of needs-based criteria for consumer eligibility and requirements for Core Services Agencies (CSAs) and Supported Employment providers to submit certain information in specified timeframes and formats to the Department, for the Department to make service authorization determinations. The revised chapter also clarifies certain certification standards and more accurately describes the services to be delivered under the Department-adopted Supported Employment model.



Significant changes to Chapter 37 are outlined in the following chart:

<b>Section Number</b>	<b>Description of Change</b>	<b>Reasoning</b>
Chapter Title and § 3700	Added mention of “Services” to chapter and § 3700 title.	To clarify that the chapter establishes standards for the delivery of Supported Employment services, in addition to provider certification standards.
§ 3702.2	Removed the requirement that a Supported Employment provider seeking recertification be a currently certified MHRS provider. However, the previous MHRS certification must not have been revoked or not renewed for failure to comply with MHRS certification standards.	To permit eligible Supported Employment providers to become recertified, even if they choose to stop delivering MHRS.
Multiple Sections	Changed references to “Individual Rehabilitation Plan” or “IRP” to “Plan of Care”.	Changed to reflect the updated MHRS terminology “Plan of Care”.
§ 3703 (formerly § 3704)	Made changes to the Supported Employment services descriptions. Edited or deleted existing descriptions and added new service descriptions.	To more accurately reflect the component services of the Supported Employment model adopted by the Department and currently provided by DBH-certified providers.
§ 3704 (formerly § 3705)	Added detail to the provider staffing requirements, including: <ul style="list-style-type: none"> <li>• Make-up of the Supported Employment team;</li> <li>• Qualifications of the Supervisor; and</li> <li>• Manager-to-Employment Specialist ratio.</li> </ul>	Added to clarify existing staffing requirements and expand the practitioner types who may be Supervisors.
Formerly § 3706	Deleted section.	Reimbursement-specific information is addressed in Chapter 51 of this subtitle.
§§ 3705.2 and 3705.3 (formerly §§ 3707.2 and 3707.3)	Added requirements for additional information that the consumer’s employment record and encounter notes must contain.	Added to mirror MHRS records and documentation requirements set forth in Chapter 34 of this subtitle.
§ 3705.4 (formerly § 3707.4)	Added requirements for additional information the Supported Employment provider must collect and submit to DBH.	Added to support DBH Supported Employment provider evaluation and monitoring efforts.
§ 3706 (formerly	Added a set of needs-based criteria to the list	Added to reflect federal

§ 3703)	of consumer eligibility requirements for Supported Employment services.	requirements under the 1115 demonstration program.
§ 3707 (formerly § 3708)	Amended to include new requirements (including processes, documentation, and timeframes) related to assessing consumers, making referrals, obtaining authorizations for, and initiating Supported Employment services. These new requirements affect MHRS CSAs, Supported Employment providers, and the Department.	Added to reflect federal requirements under the 1115 demonstration program.

Emergency rulemaking is necessary for the immediate preservation of the mental health needs and welfare of District of Columbia residents with serious mental illness. The rule establishes improved Supported Employment services and provider certification standards that will expand this evidence-based practice and support an increase in the number of individuals with serious mental illness that obtain and maintain employment in the District of Columbia while supporting recovery in a community-based setting and least restrictive environment. Additionally, to meet the deadlines of the Section 1115 waiver demonstration implementation plan, the Department requires the Emergency Rules to begin appropriate work immediately.

These emergency rules were adopted on January 14, 2020 and became effective on that date. The emergency rules shall remain in effect for no longer than one hundred and twenty (120) calendar days from the adoption date unless superseded by publication of subsequent rulemaking in the *D.C. Register*.

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

**Chapter 37, MENTAL HEALTH SUPPORTED EMPLOYMENT CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is deleted and replaced with a new Chapter 37 to read as follows:**

**CHAPTER 37 MENTAL HEALTH SUPPORTED EMPLOYMENT SERVICES AND PROVIDER CERTIFICATION STANDARDS**

**3700 MENTAL HEALTH SUPPORTED EMPLOYMENT SERVICES AND PROVIDER CERTIFICATION STANDARDS**

3700.1 These rules establish the requirements and process for certifying a provider as a Supported Employment provider in the District of Columbia, in order to provide services to consumers eligible under this chapter.

3700.2 Supported Employment is an evidence-based practice adopted by the Department of Behavioral Health (Department) that:

- (a) Provides ongoing work-based vocational assessment, job development, job coaching, treatment team coordination, and vocational and therapeutic follow-along supports;
- (b) Involves community-based employment consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer;
- (c) Provides services at various work sites; and
- (d) Provides part-time and full-time job options that are diverse, competitive, integrated with co-workers without disabilities; are based in business or employment settings that have permanent status rather than temporary or time-limited status; and which pay at least the minimum wage of the jurisdiction in which the job is located.

### **3701 INITIAL CERTIFICATION REQUIREMENTS**

- 3701.1 No person or entity shall provide Supported Employment services to consumers eligible for services under this chapter unless certified in accordance with this chapter.
- 3701.2 No person or entity shall seek certification from the Department as a Supported Employment provider unless already certified as a Mental Health Rehabilitation Services (MHRS) provider in accordance with Chapter 34 of this subtitle.
- 3701.3 An MHRS provider seeking certification as a Supported Employment provider shall submit an application to the Department in the format established by the Department. The completed application shall include, at a minimum:
- (a) Proof of current certification as an MHRS provider;
  - (b) Proof of adequate staffing for the delivery of Supported Employment services in accordance with § 3704 of this chapter;
  - (c) Proof of a Staff Selection Policy that complies with all applicable requirements of the Staff Selection Policy set forth in Chapter 34 of this subtitle; and
  - (d) Proof of a Supported Employment Policy that states the policies and procedures related to the provider's set-up for delivering Supported Employment services.

- 3701.4 The Department shall follow the applicable processes established for MHRS certification set forth in Chapter 34 of this subtitle to certify, deny certification, or decertify providers as Supported Employment providers.
- 3701.5 Initial certification as a Supported Employment provider shall be effective for a one (1)-year period. Certification shall remain in effect until it expires or is revoked, or the provider is recertified in accordance with § 3702 of this chapter.
- 3701.6 During the initial certification period, the Supported Employment provider shall:
- (a) Participate in a baseline program evaluation conducted by the Department within thirty (30) days after the provider has begun delivering Supported Employment services. The evaluation includes a fidelity assessment using the Supported Employment Fidelity Scale established by Department policy;
  - (b) Enter into a contractual relationship with the Department on Disability Services' Rehabilitation Services Administration (RSA) within six (6) months of initial certification and maintain such contract for the remainder of the certification period; and
  - (c) Participate in a second program evaluation conducted by the Department six (6) months after the provider has begun delivering Supported Employment services. The evaluation includes a fidelity assessment using the Supported Employment Fidelity Scale established by Department policy.
- 3701.7 A certified Supported Employment provider receiving a fidelity score below an acceptable score during the fidelity assessments shall develop a corrective action plan to promptly address the deficiencies and shall receive technical assistance from the Department. If the Supported Employment provider's annual score does not improve to an acceptable score within six (6) months of the previous fidelity score, the provider shall not be eligible for recertification and may be subject to decertification.
- 3701.8 Certification is not transferable to any other organization.

**3702            RECERTIFICATION REQUIREMENTS**

- 3702.1 The Department shall follow the applicable processes set forth in Chapter 34 of this subtitle to recertify, deny recertification, or decertify providers as Supported Employment providers.
- 3702.2 A Supported Employment provider seeking recertification from the Department shall submit an application to the Department in the format established by the Department. The completed application shall include:

- (a) Proof of current certification as an MHRS provider, or if not currently certified as an MHRS provider:
  - (1) Proof of previous MHRS provider certification, and
  - (2) Proof that the provider had complied with all the certification standards for the duration of the previous MHRS provider certification. Providers whose certification was revoked or not renewed because of failure to comply with certification standards shall not be eligible to become certified as Supported Employment providers;
- (b) Proof of adequate staffing for the provision of Supported Employment services in accordance with § 3704 of this chapter;
- (c) Proof of a Staff Selection Policy that complies with all applicable requirements of the Staff Selection Policy set forth in Chapter 34 of this subtitle;
- (d) Proof of a current contract with the Rehabilitation Services Administration (RSA); and
- (e) Other evidence that the Department requires.

3702.3 Recertification shall be effective for a two (2)-year period from the date of issuance of recertification by the Department, subject to the provider's continuous compliance with the certification standards.

3702.4 During any recertification period, the Supported Employment Program shall:

- (a) Participate in an annual program evaluation conducted by the Department. The evaluation includes a fidelity assessment using the Supported Employment Fidelity Scale established by Department policy; and
- (b) Maintain a contractual relationship with RSA.

3702.5 A recertified Supported Employment provider receiving a fidelity score below an acceptable score during the fidelity assessments shall develop a plan to correct the deficiencies and receive technical assistance from the Department. If the Supported Employment provider's score does not improve to an acceptable score within six (6) months of the previous fidelity score, the provider shall not be eligible for further recertification and may be subject to decertification.

3702.6 Recertification is not transferable to any other organization.

**3703 SUPPORTED EMPLOYMENT SERVICES**

3703.1 Supported Employment providers shall deliver the following services:

- (a) Intake, which involves obtaining background, clinical, and employment information in order to enroll the consumer into Supported Employment services and initiate a referral to RSA;
- (b) Vocational Assessment, which consists of conducting vocational assessments and assessment of person-centered employment information, in order to identify the individual's employment interests, preferences, and abilities;
- (c) Individualized Work Plan (IWP) Development, which includes the process of developing an IWP plan with the consumer, and which meets the following standards:
  - (1) The consumer's preferences, not provider expectations or decisions, drive the consumer's employment and career planning process;
  - (2) The IWP includes an employment goal and the support services required to reach the goal, such as:
    - (A) Integrating employment goals into the consumer's MHRS person-centered Plan of Care;
    - (B) Strategies to address stressor situations;
    - (C) Assistance with symptom self-monitoring and self-management; and
    - (D) Assistance in increasing social support skills and networks that ameliorate life stresses resulting from the consumer's mental illness and which are necessary to enable and maintain the consumer's independent living.
  - (3) The IWP is updated annually or any time there is a significant change in the consumer's condition or situation that affects progress toward the IWP's goals; and
  - (4) The IWP is be completed and signed by the consumer within thirty (30) calendar days of the delivery of the first Supported Employment service.

- (d) Benefits Counseling, which helps consumers to examine and understand how employment may impact benefits such as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), medical assistance, and other disability-related benefits, and which may also involve advocacy on behalf of the person to resolve issues;
- (e) Disclosure Counseling, which helps the consumer examine and understand the advantages and disadvantages of disclosing one’s mental illness to their employer;
- (f) Treatment Team Coordination, which involves coordination and contact with the consumer’s Core Services Agency (CSA) treatment team members regarding the provision of Supported Employment services;
- (g) Job Development, which involves contacting employers through various activities in order to obtain community-based employment for consumers;
- (h) Job Coaching, which helps consumers learn job duties once employed through on-the-job training, effective use of community resources, and consultation with the worker’s employer, co-workers, family, or supervisors as necessary;
- (i) Vocational Follow-Along Supports, which are provided to the consumer or employer to help the consumer maintain employment including through review of job performance and problem-solving; and
- (j) Therapeutic Follow-Along Supports, which are interventions related to addressing behavioral health symptoms, and which include: crisis intervention, symptom management, behavior management, and coping skills needed to improve the consumer’s ability to maintain employment.

**3704 SUPPORTED EMPLOYMENT PROVIDER STAFFING REQUIREMENTS**

3704.1 A Supported Employment provider shall have at a minimum:

- (a) One (1) Supported Employment Supervisor; and
- (b) One (1) Supported Employment Team comprised of:
  - (1) One (1) Supported Employment Manager; and
  - (2) Two (2) full-time Employment Specialists.

- 3704.2 Certified Supported Employment providers must obtain Department approval to add Supported Employment Teams supported through a Human Care agreement, as specified in Chapter 34 of this subtitle.
- 3704.3 The Supported Employment Supervisor shall be one of the following behavioral health clinicians appropriately licensed in the District or by the jurisdiction where services are delivered, and who practices within the scope of their license:
- (a) Psychiatrist;
  - (b) Psychologist;
  - (c) Licensed independent clinical social worker (LICSW);
  - (d) Licensed professional counselor (LPC);
  - (e) Licensed marriage and family therapist (LMFT); or
  - (f) Advanced practice registered nurse (APRN):
    - (1) With psychiatry as a specialty area of practice;
    - (2) Working in a collaborative protocol with a psychiatrist; or
    - (3) Demonstrated proficiency in mental health by having at least five (5) years of experience in psychiatric care delivery.
- 3704.4 One (1) full-time equivalent Supported Employment Manager shall be responsible for no more than ten (10) Supported Employment Specialists, and shall not have other supervisory responsibilities. However, in cases where the Manager supervises fewer than ten (10) Supported Employment Specialists, the Manager may on a prorated basis spend their time on other supervisory activities.
- 3704.5 A Supported Employment provider shall have one (1) full-time Supported Employment Specialist for every twenty (20) consumers. Supported Employment Specialists must satisfy all requirements for non-licensed credentialed staff pursuant to Chapter 34 of this subtitle.
- 3704.6 A Supported Employment provider shall comply with all applicable staff requirements set forth in Chapter 34 of this subtitle.
- 3704.7 Supported Employment Specialists shall carry out all phases of Supported Employment services, including: Intake, Vocational Assessment, Individualized Work Plan Development, Benefits Counseling, Disclosure Counseling, Treatment



Team Coordination, Job Development, Job Coaching, Vocational Follow-Along Supports, and Therapeutic Follow-along Supports.

3704.8 Supported Employment Supervisors, Managers, and Specialists shall be trained in evidence-based Supported Employment principles and practices. Supported Employment Managers and Specialists shall attend the Department's Supported Employment provider meetings that are held periodically.

**3705 SUPPORTED EMPLOYMENT RECORDS AND DOCUMENTATION REQUIREMENTS**

3705.1 Each Supported Employment provider shall establish and adhere to an Employment Record Policy for employment record documentation, security, and confidentiality of consumer information. The Employment Record Policy shall:

- (a) Require the Supported Employment provider to maintain all written employment records in a secured and locked storage area and any electronic records in compliance with all applicable Federal and District laws and regulations, and Department policies;
- (b) Require the Supported Employment provider to maintain secure, clear, organized, and comprehensive employment records for every consumer enrolled in the Supported Employment Program;
- (c) Set forth requirements for documentation maintained in the employment record;
- (d) Require that the Supported Employment provider comply with a Documentation and Retention and Disaster Recovery Plan that complies with all applicable provisions of the Disaster Recovery Plan and document retention requirements set forth in Chapter 34 of this subtitle; and
- (e) Keep Supported Employment documents for a minimum of six (6) years.

3705.2 The following information shall be included in the consumer's employment record:

- (a) Referral and intake information;
- (b) Identifying information about the consumer;
- (c) Appropriate release of information forms;
- (d) Current MHRS person-centered Plan of Care which includes the consumer's employment goals and objectives and identification of Supported Employment as a medically necessary service;

- (e) Individualized Work Plan (IWP);
- (f) Employment and employer contact information;
- (g) Benefits information such as receipt of Social Security and Temporary Assistance to Needy Families benefits;
- (h) Information about referrals to RSA; and
- (i) Encounter notes for each service.

3705.3 Employment Specialists shall document services on an encounter note, which shall include:

- (a) A description of the Supported Employment service(s) that is sufficient to document that the provision was in accordance with this chapter;
- (b) The time, date, and duration, including beginning and end time, of the provided services;
- (c) The name, title, and credentials of the person providing the services;
- (d) The setting in which the services were provided;
- (e) Confirmation that the provided services are in the consumer’s IWP;
- (f) A description of what supports were provided to enhance the consumer’s potential for securing employment;
- (g) Description of the consumer’s response to the Supported Employment services and supports, including the choices and perceptions of the consumer regarding the services provided;
- (h) Be dated and authenticated in written or electronic form by the person rendering the services; and
- (i) Include the appropriate billing codes for those particular services.

3705.4 A Supported Employment provider shall collect and provide the following information and data to the Department monthly and upon request:

- (a) Number of consumers referred to the Supported Employment provider and the source of the referral;

- (b) Number of consumers enrolled;
- (c) Number of consumers served;
- (d) Number of consumers employed;
- (e) Number of inactive consumers;
- (f) Number of consumers on wait list;
- (g) Number of total full-time Employment Specialists;
- (h) Number of consumers referred to RSA;
- (i) Number of consumers participating in education programs;
- (j) Average number of hours that consumers worked;
- (k) Average hourly wage paid to consumers;
- (l) Number of consumers receiving benefits (health, dental, or retirement) from employers;
- (m) Names and contact information (including locations) of employers who have hired consumers;
- (n) Job titles and types of jobs for which consumers have been hired; and
- (o) Any other information that the Department requires.

**3706 SUPPORTED EMPLOYMENT SERVICES ELIGIBILITY**

3706.1 To be eligible for Supported Employment services, a consumer shall:

- (a) Be at least eighteen (18) years of age;
- (b) Indicate an interest in employment;
- (c) Have Supported Employment identified as a needed service on a current, MHRS person-centered Plan of Care that has been reviewed by the Department; and
- (d) Be determined by the Department as meeting the following needs-based criteria:

- (1) Be assessed to have mental health needs that require an improvement, stabilization, or prevention of deterioration in functioning (including ability to live independently without support), which result from the presence of a mental illness; and
- (2) Have at least one (1) of the following risk factors:
  - (A) Be unable to sustain competitive employment for at least ninety (90) consecutive calendar days as related to a history of mental illness;
  - (B) Is currently receiving treatment for mental illness; or
  - (C) Be at risk for deterioration of mental illness as evidenced by one (1) or more of the following:
    - (i) Persistent or chronic risk factors such as social isolation due to a lack of family or social supports, poverty, criminal justice involvement, or homelessness;
    - (ii) Care for mental illness requiring multiple provider types, including behavioral health, primary care, and long-term services and supports; or
    - (iii) A past psychiatric history with no significant functional improvement that can't be maintained without treatment and supports.

**3707 AUTHORIZATION OF AND REFERRALS TO SUPPORTED EMPLOYMENT SERVICES**

3707.1 MHRS CSAs shall assess all consumers eighteen (18) years of age and older for interest in and potential eligibility for Supported Employment services as a part of:

- (a) Developing or updating the consumer's MHRS person-centered Plan of Care; or
- (b) Upon request by family members, advocates, or other service providers.

3707.2 If a consumer is interested in Supported Employment services, the CSA shall, in a manner specified by the Department, collect and submit the following information to the Department for its review and a service authorization determination:

- (a) Completed needs-based assessment;

- (b) MHRS person-centered Plan of Care; and
- (c) Documentation that the consumer made the choice about which certified Supported Employment provider to receive services from, pending service authorization by the Department.

3707.3 The needs-based assessment must be completed face-to-face using the Department-specified needs-based assessment tool. It must be completed by one of the following behavioral health clinicians appropriately licensed in the District or by the jurisdiction where services are delivered, and who practices within the scope of their license:

- (a) Psychiatrist;
- (b) Psychologist;
- (c) LICSW;
- (d) LPC;
- (e) LMFT; or
- (f) APRN:
  - (1) With psychiatry as a specialty area of practice;
  - (2) Working in a collaborative protocol with a psychiatrist; or
  - (3) Demonstrated proficiency in mental health by having at least five (5) years of experience in psychiatric care delivery.

3707.4 In order to prevent conflicts of interest, the Department shall make authorization determinations for the provision of Supported Employment services. The determinations are based on review of the needs-based assessment and MHRS person-centered Plan of Care submitted by the CSA.

3707.5 The Department shall notify the CSA of the authorization decision, and the CSA shall communicate such determination to the consumer.

3707.6 If the Department has authorized the provision of Supported Employment services, the CSA shall within five (5) business days of receiving the determination make a referral to the Supported Employment provider of the consumer's choosing. The referral shall be in writing in a format specified by the Department and include the following information:

- (a) CSA treatment team contact information;
- (b) Contact information for the consumer, including emergency contact information;
- (c) Current MHRS person-centered Plan of Care; and
- (d) Advance directives or instructions, if available.

3707.7 The Supported Employment provider, upon receipt of a CSA referral, shall engage the consumer within three (3) business days.

3707.8 The provider must have a Wait List Policy to track and manage timely access to services. If the Supported Employment provider is unable to accept new consumers, the provider shall notify the consumer, the referring CSA, and DBH.

3707.9 The Department authorization for provision of Supported Employment services shall not exceed one-hundred and eighty (180) calendar days. To request continuation of Supported Employment services, the Supported Employment providers shall notify the consumer’s CSA. The CSA shall reassess the consumer for the needs-based criteria, and review the MHRS person-centered Plan of Care and update it as needed. Both the assessment and Plan of Care shall be submitted to the Department for review and a reauthorization determination.

3707.10 CSAs shall also reassess consumers and review, and update as needed, the MHRS person-centered Plans of Care any time there is a significant change in the consumer’s condition or situation that affects progress toward the Supported Employment-related goals of the Plan of Care. The Department in those cases shall also review and make an authorization determination for Supported Employment services.

**3708 INTEGRATION WITH THE CSA TREATMENT TEAM**

3708.1 Employment Specialists shall be integrated as part of the consumer’s CSA treatment team. The Employment Specialist shall attend regular treatment team meetings and maintain frequent contact with treatment team members.

3708.2 As a treatment team member, the Employment Specialist may participate in updating the MHRS person-centered Plan of Care and is responsible for helping the consumer achieve the goals written in the Plan of Care with regard to employment.

3708.3 Services provided by the Employment Specialist should be consistent with the goals relating to employment included in the consumer’s MHRS person-centered Plan of Care.

**3799**            **DEFINITIONS**

3799.1            When used in this chapter, the following words shall have the meanings ascribed:

**Consumer** – a person who seeks or receives mental health services funded or regulated by the Department.

**Core Services Agency or CSA** – a Department –certified MHRS provider that has entered into a Human Care Agreement with the Department to provide specific MHRS in accordance with the requirements of Chapter 34 of this subtitle.

**Department of Behavioral Health or the Department** – the District of Columbia agency that regulates the District’s behavioral health system for adults, children, and youth.

**Department on Disability Services’ Rehabilitation Services Administration (RSA)** – the District of Columbia government entity that provides employment services to those individuals with developmental and other disabilities.

**Individualized Work Plan or IWP** – a plan developed by the Supported Employment provider with the consumer that includes an employment goal and the support services required to reach the goal.

**Mental Health Rehabilitation Services or MHRS** – mental health rehabilitative services provided by a Department-certified mental health provider.

**MHRS Person-Centered Plan of Care (Plan of Care)** – the MHRS person-centered Plan of Care developed by a Core Services Agency pursuant to the requirements set forth in Chapter 34 of this subtitle. The Department reviews Plans of Care to make authorization determinations for the receipt of Supported Employment Services. The Plan of Care includes identification of the consumer’s treatment and recovery goals; treatment objectives and interventions; strengths that support goals accomplishment; challenges and barriers to achieving the goals; and the types, frequency, duration, and scope of needed services.

**MHRS Provider** – providers certified by the Department as a Core Services Agency, sub-provider, or specialty provider to deliver MHRS.

**Needs-Based Assessment** – an assessment conducted by a consumer’s CSA, using the Department-specified needs-based assessment tool, to help determine if a consumer meets the needs-based criteria for receipt of Supported Employment services.

**Supported Employment Fidelity Scale** – the Supported Employment Provider evaluation tool developed in accordance with an evidence-based practice adopted by the Department and as stated in Department policy.

All persons desiring to comment on the subject matter of this proposed rule should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Trina Dutta, Director, Strategic Management and Policy Division, Department of Behavioral Health, 64 New York Ave, N.E., Second Floor, Washington, D.C. 20002, (202) 671-4075, [trina.dutta@dc.gov](mailto:trina.dutta@dc.gov), or [DBHpubliccomments@dc.gov](mailto:DBHpubliccomments@dc.gov).



**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Section 7a of the Child Development Facilities Regulation Act of 1998 effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036 (2018 Repl.)); Mayor’s Order 2009-130, dated July 16, 2009; the Child Care and Development Block Grant Act of 2014, approved November 19, 2014 (Pub. L. 113-186; 42 USC §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby gives notice, on an emergency basis, of the following amendments to Chapter 1 (Child Development Facilities: Licensing) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this emergency and proposed rulemaking is to clarify specific language in the regulations regarding which staff members must be assigned to and supervising each group of children. This rulemaking updates Section 121 to clarify staff required for proper supervision, and adds definitions for the terms “aide” and “substitute”. In addition to these clarifications, the rulemaking extends the deadline for staff members to comply with specific credential requirements for assistant teachers and home caregivers. On December 2, 2016, the Office of the State Superintendent (“OSSE”) published a Final Rulemaking setting forth an updated framework for obtaining and maintaining a license to operate a child development facility (63 DCR 14640). The Final Rulemaking required that center directors, teachers, assistant teachers, home caregivers, associate caregivers, and expanded home caregivers earn progressively higher education credentials over time based on their specific positions. In order to provide adequate time for providers to comply with the clarification in this new rulemaking, OSSE has determined that some staff in child development facilities will need more time to reach the minimum education requirements deadline. Therefore, through this proposed rulemaking, the Office of the State Superintendent of Education extends the deadline to meet the Child Development Associate requirements for assistant teachers and home caregivers to December 2, 2020.

As demonstrated by this proposed rulemaking, Mayor Bowser and OSSE remain committed to supporting DC’s community of child development providers to ensure stability and sustainability during the transition to new staffing requirements. As a final note, OSSE recognizes that there has been other concerns raised and requests for other amendments in the licensing regulations made by various stakeholders, and OSSE plans to address additional amendments in future rulemaking.

This proposed rulemaking will be submitted to the Council of the District of Columbia for a thirty (30) day review period for Council approval before final adoption, pursuant to the section 7(a) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036(a) (2018 Repl.)). The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

**Chapter 1, CHILD DEVELOPMENT FACILITIES: LICENSING, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:**

**Subsections 121.8, 121.9, 121.11, and 121.12 of Section 121, SUPERVISION, are amended to read as follows:**

...

121.8 Child development centers and expanded homes shall ensure two (2) staff members supervise each group of children at all times, as follows:

(a) Except as further specified in this section, child development centers serving infants, toddlers, and or preschoolers (or any combination of these) shall have the following staff members assigned to supervise and supervising each group at all times:

- (1) Two (2) teachers; or
- (2) A teacher and an assistant teacher.

(b) The two (2) staff members supervising each group shall be assigned to supervise the group on the facility’s staffing plan required by § 120.2, unless there is a substitute teacher or substitute assistant teacher in place;

(c) If the required adult-to-child ratio is met but the situation or circumstance requires additional staff in order to ensure that all children are within the sight and hearing of staff members, then the Licensee shall provide additional staff, which may include aides or volunteers, to ensure adequate supervision of all children;

(d) A substitute teacher or substitute assistant teacher shall be directly supervised by a teacher or an assistant teacher at all times. No more than one (1) substitute shall be assigned to each group at a time.

121.9 During non-peak hours or during nap or rest periods, adult-to-child ratios shall be maintained, however the Licensee may designate another adult staff member or adult volunteer for one (1) of the staff members specified in the staffing plan, provided that at least one (1) Teacher or Assistant Teacher supervises the group.

...

121.11 In part-day programs that operate no more than four (4) hours per day, the Licensee may designate an adult volunteer or an aide for an Assistant Teacher.

121.12 [RESERVED].

...

**Section 137, STAFF MEMBER REQUIREMENTS: GENERAL PROVISIONS, is amended by adding a new Subsection 137.4 to read as follows:**

137.4 Substitutes who meet the standard in Subsection 133.1 are subject to the criminal background and child protection register checks as required in Subsection 132.2(a) and Section 133 and the critical health and safety trainings as listed in Subsection 139.4.

**Section 166, CHILD DEVELOPMENT CENTER: ASSISTANT TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:**

Subparagraphs (c) and (d) in Subsection 166.1 are amended by striking the phrase “December 2, 2019” and inserting the phrase “December 2, 2020” in its place.

**Section 168, CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:**

Subsection 168.1(a) is amended by striking the phrase “December 2, 2019” and inserting the phrase “December 2, 2020” in its place.

**Section 171, EXPANDED CHILD DEVELOPMENT HOME: ASSOCIATE CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended as follows:**

Subsection 171.1(a) is amended by striking the phrase “December 2, 2019” and inserting the phrase “December 2, 2020” in its place.

**Section 199, DEFINITIONS, is amended as follows:**

**Subsection 199.1 is amended to add the following definitions:**

**Aide** – a person who provides additional support to the teacher and assistant teacher that is assigned to a group of children.

**Substitute** – a person who performs the duties and responsibilities of a teacher or an assistant teacher for a period of one (1) full day but no longer than three (3) consecutive weeks when the assigned teacher or assistant teacher is unavailable due to illness, personal leave, or other reasons.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov); or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Tiffany Oates re: Child Development Facilities: Licensing - Credentials, 1050 First Street, N.E. 3rd Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at [www.osse.dc.gov](http://www.osse.dc.gov).

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

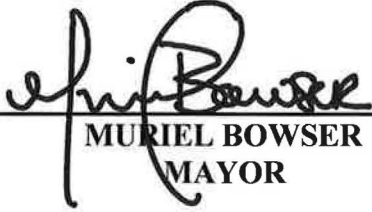
Mayor's Order 2020-008  
January 30, 2020

**SUBJECT:** Appointment – Washington Convention and Sports Authority Board of Directors

**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 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994, D.C. Law 10-188, D.C. Official Code § 10-1202.05 (2013 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. **BRIAN KENNER**, pursuant to the Washington Convention and Sports Authority Board of Directors Brian Kenner Confirmation Resolution of 2019, effective December 17, 2019, R23-0288, is appointed to the Washington Convention and Sports Authority Board of Directors, as a public member, replacing Miriam Huger, for a term to end May 16, 2023.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 17, 2019.


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 MURIEL BOWSER  
 MAYOR

**ATTEST:**   


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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-009  
January 30, 2020

**SUBJECT:** Reappointment— District of Columbia Retirement Board

**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 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979, 93 Stat. 869, Pub. L. 96-122, D.C. Official Code § 1-711 (2016 Repl.), it is hereby **ORDERED** that:

1. **JAN ADAMS** is reappointed as a member of the District of Columbia Retirement Board, for a term to end January 27, 2024.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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 MURIEL BOWSER  
 MAYOR

ATTEST: Kimberly A. Bassett  
 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-010  
January 31, 2020

**SUBJECT:** Reappointments and Appointment – District of Columbia Homeland Security Commission

**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 202 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007, D.C. Law 16-262, D.C. Official Code § 7-2271.02 (2018 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. **BRAD BELZAK**, pursuant to the Homeland Security Commission Brad Belzak Confirmation Resolution of 2019, effective January 7, 2020, R23-0306, is reappointed as a member of the Homeland Security Commission, for a term to end February 22, 2022.
2. **PHILIP MCNAMARA**, pursuant to the Homeland Security Commission Philip McNamara Confirmation Resolution of 2019, effective January 7, 2020, R23-0305, is reappointed as a member of the Homeland Security Commission, for a term to end February 22, 2022.
3. **BRAD BELZAK** is appointed as the Chair, to serve at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.




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MURIEL BOWSER  
MAYOR

ATTEST:   


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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-011  
January 31, 2020

**SUBJECT:** Reappointments – District of Columbia Corrections Information Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1977, effective October 2, 2010, D.C. Law 18-233, D.C. Official Code § 24-101.01 (2019 Supp.), 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. **CHARLES THORNTON**, pursuant to the District of Columbia Corrections Information Council Charles Thornton Resolution of 2019, effective January 7, 2020, R23-0307, is reappointed as a member of the Corrections Information Council, for a term to end June 7, 2021.
2. **CALVIN WOODLAND, JR.**, pursuant to the District of Columbia Corrections Information Council Calvin Woodland, Jr. Confirmation Resolution of 2019, effective January 7, 2020, R23-0308, is reappointed as a member of the Corrections Information Council, for a term to end June 7, 2021.
3. **EFFECTIVE DATES:** This Order shall be effective *nunc pro tunc* to the date of confirmation.




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MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-012

January 31, 2020

**SUBJECT:** Reappointments and Appointments — Commission on the Arts and Humanities**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.), pursuant to 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 (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. **CORA MASTERS BARRY**, pursuant to the Commission on the Arts and Humanities Cora Masters Barry Confirmation Resolution of 2019, effective January 21, 2020, R23-0324, is appointed as a member with specific interest, ability, or experience in the humanities of the Commission on the Arts and Humanities, replacing Lawrence Green, for a term to end June 30, 2021.
2. **RHONA FRIEDMAN** pursuant to the Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2019, effective January 21, 2020, R23-0319, is reappointed as a member with specific interest, ability, or experience in theatre and performing arts of the Commission on the Arts and Humanities, for a term to end June 30, 2022.
3. **ALMA GATES** pursuant to the Commission on the Arts and Humanities Alma Gates Confirmation Resolution of 2019, effective January 21, 2020, R23-0318, is reappointed as a member with specific interest, ability, or experience in public art of the Commission on the Arts and Humanities, for a term to end June 30, 2022.
4. **NATALIE HOPKINSON**, pursuant to the Commission on the Arts and Humanities Natalie Hopkinson Confirmation Resolution of 2019, effective January 21, 2020, R23-0323, is appointed as a member with specific interest, ability, or experience in the humanities of the Commission on the Arts and Humanities, replacing Haili Francis, for a term to end June 30, 2021.
5. **MARY ANN MILLER**, pursuant to the Commission on the Arts and Humanities Mary Ann Miller Confirmation Resolution of 2019, effective January 21, 2020, R23-0321, is reappointed as a member with specific interest, ability, or experience in arts or




humanities education of the Commission on the Arts and Humanities, for a term to end June 30, 2022.

- 6. **CICIE SATTARNILASSKORN**, pursuant to the Commission on the Arts and Humanities Cicie Sattarnilasskorn Confirmation Resolution of 2019, effective January 21, 2020, R23-0322, is reappointed as a member with specific interest, ability, or experience in arts or humanities education of the Commission on the Arts and Humanities, for a term to end June 30, 2022.
- 7. **JOSE ALBERTO UCLES** pursuant to the Commission on the Arts and Humanities Jose Alberto Ucles Confirmation Resolution of 2019, effective January 21, 2020, R23-0320, is reappointed as a member with specific interest, ability, or experience in theatre and performing arts of the Commission on the Arts and Humanities, for a term to end June 30, 2022.
- 8. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.


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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:**   


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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-013  
January 31, 2020


**SUBJECT:** Reappointment and Appointment — Board of Trustees of the University of the District of Columbia

**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 201 of the District of Columbia Public Postsecondary Education Act, approved October 26, 1974, 88 Stat. 1424, Pub. L. 93-471, D.C. Official Code § 38-1202.01 (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. **DR. ESTHER BARAZZONE**, pursuant to the Board of Trustees of the University of the District of Columbia Dr. Esther Barazzone Confirmation Resolution of 2019, effective January 21, 2020, R23-0316, is reappointed to the Board of Trustees of the University of the District of Columbia, for a term to end May 15, 2024.
2. **JEROME SHELTON**, pursuant to the Board of Trustees of the University of the District of Columbia Mr. Jerome Shelton Confirmation Resolution of 2019, effective January 21, 2020, R23-0317, is appointed to the Board of Trustees of the University of the District of Columbia, replacing James W. Dyke Jr., for a term to end May 15, 2024.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.

  
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 MURIEL BOWSER  
 MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-014  
February 3, 2020

**SUBJECT:** Appointment — District of Columbia Board of Elections

**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 3 of the District Columbia Election Code of 1955, approved August 12, 1955, 69 Stat. 699, D.C. Official Code § 1-1001.03 (2016 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. **KARYN GREENFIELD**, pursuant to the District of Columbia Board of Elections Karyn Greenfield Confirmation Resolution of 2019, effective January 7, 2020, R23-0304, is appointed as a member of the District of Columbia Board of Elections, replacing Dionna Marie Lewis, for a term to end July 7, 2022.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 7, 2020.


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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:** Kimberly A. Bassett  
**KIMBERLY A. BASSETT**  
**SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor’s Order 2020-015  
February 3, 2020

**SUBJECT:** Reappointments – Apprenticeship Council

**ORIGINATING AGENCY:** Office of the Mayor

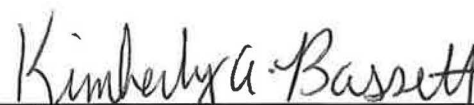
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 2 of An Act To provide voluntary apprenticeship in the District of Columbia, approved May 21, 1946, 60 Stat. 204, D.C. Official Code § 32-1402 (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. The following individuals are reappointed to the Apprenticeship Council:
  - a. **COURTLAND COX**, pursuant to the Apprenticeship Council Courtland Cox Confirmation Resolution of 2019, effective December 21, 2019, PR 23-0536, as a public representative member, who is not a member of either employee or employer organizations, for a term to end November 19, 2022.
  - b. **LEROY WATSON**, pursuant to the Apprenticeship Council Leroy Watson Confirmation Resolution of 2019, effective December 21, 2019, PR 23-0535, as an employee organization representative member, for a term to end November 19, 2022.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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**MURIEL BOWSER  
MAYOR**

**ATTEST:**   
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**KIMBERLY A. BASSETT**  
**SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-016  
February 3, 2020

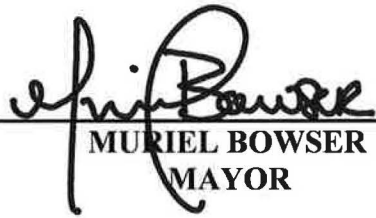
**SUBJECT:** Reappointments – Washington Convention and Sports Authority Board of Directors


**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.), pursuant to section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994, D.C. Law 10-188 D.C. Official Code § 10-1202.05 (2013 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. **MAX BROWN**, pursuant to the Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2019, effective November 19, 2019, R23-0272, is reappointed as a public member and Chairperson of the Washington Convention and Sports Authority Board of Directors, for a term to end May 16, 2023.
2. **ALAN BUBES**, pursuant to the Washington Convention and Sports Authority Board of Directors Alan Bubes Confirmation Resolution of 2019, effective September 17, 2019, R23-0199, is reappointed as a public member of the Washington Convention and Sports Authority Board of Directors, for a term to end May 16, 2023.

3. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to date of confirmation.

  
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 12, 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 # **20-PRO-00001**; Menomale Noma, LLC, t/a Menomale, 35 N Street NE  
License #112153, Retailer CR, ANC 6C  
**Application for a New License**

**Protest Hearing (Status)** **9:30 AM**  
Case # **20-PRO-00002**; Menomale Noma, LLC, t/a Salumeria, 35 N Street NE  
License #112154, Retailer B, ANC 6C  
**Application for a New License**

**Protest Hearing (Status)** **9:30 AM**  
Case # **19-PRO-00130**; Ghost Lounge, LLC, t/a Cloak & Dagger, 1359 U Street  
NW, License #98733, Retailer CT, ANC 1B  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
Case # **19-PRO-00129**; HGH 1610, LLC, t/a Ghibellina/Sotto, 1610 14th Street  
NW, License #88785, Retailer CT, ANC 2F  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
Case # **19-PRO-00123**; Johanas, Inc., t/a Johana's Restaurant, 4728 14th Street  
NW, License #25996, Retailer CT, ANC 4C  
**Application to Renew the License**

**Protest Hearing (Status)** **9:30 AM**  
Case # **19-PRO-00162**; Machu Picchu, LLC, t/a Miramar, 1033 31<sup>st</sup> Street NW  
License #115376, Retailer CR, ANC 2E  
**Application for a New License**

Board's Calendar  
February 12, 2020

**Show Cause Hearing (Status) 9:30 AM**

**Case # 19-CC-00086;** Tapas Y Mas, Inc., t/a Jaleo, 480 7th Street NW, License #19105, Retailer CR, ANC 2C

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 19-251-00097 and 19-251-00097(a),** Yfe, Inc., t/a 18th Street Lounge 1212 18th Street NW, License #21211, Retailer CT, ANC 2B

**Interfered with an Investigation, Provided False or Misleading Information, Failed to Follow Security Plan**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 19-CMP-00094;** Etete Ethiopian Cuisine, Inc., t/a 1942 DC, 1942 9th Street NW, License #70728, Retailer CT, ANC 1B

**Failed to Obtain a Summer Garden Endorsement, Failed to Post License Conspicuously in the Establishment**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 19-CMP-00119;** TSBK, LLC, t/a Karma, 2221 Adams Place NE License #101682, Retailer CX, ANC 5C

**Failed to Obtain a Summer Garden Endorsement, Knowingly Permitting the Illegal Sale or Use of a Controlled Substance**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 19-AUD-00086;** The Juniper Group, LLC, t/a The Blaguard, 2003 18th Street NW, License #86012, Retailer CR, ANC 1C

**Failed to File Quarterly Statement**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 19-AUD-00078;** 600 F.D.C., LLC, t/a Fuel Pizza & Wings, 600 F Street NW, License #88727, Retailer CR, ANC 2C

**Failed to File Quarterly Statement**

**Fact Finding Hearing\* 10:00 AM**

**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\* 11:00 AM**

**Case # 19-CC-00099;** Texas Convenience Store, Inc., t/a Texas Grocery Store 4350 Texas Ave SE, License #94776, Retailer A, ANC 7F

**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**



Board’s Calendar  
February 12, 2020

**BOARD RECESS AT 12:00 PM  
ADMINISTRATIVE AGENDA  
1:00 PM**

**Show Cause Hearing\*** **1:30 PM**  
**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**

**Protest Hearing\*** **2:00 PM**  
**Case # 19-PRO-00052;** Whole Foods Market Group, Inc., t/a Whole Foods  
Market, 1440-1446 P Street NW, License #86071, Retailer DR, ANC 2F  
**Application to Renew the License**

**Protest Hearing\*** **2:00 PM**  
**Case # 19-PRO-00113;** 9th Street Lounge, LLC, t/a Mirror Lounge, 1920 9th  
Street NW, License #111950, Retailer CT, ANC 1B  
**Application to Renew the License**

*\*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  
INVESTIGATIVE AGENDA**

**WEDNESDAY FEBRUARY 12, 2020  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, February 12, 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](mailto:opengovoffice@dc).

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1. Case# 20-CMP-00014, The Gold Room Bar/Lounge, 1370 H Street N.E., Retailer CT, License # ABRA-114757

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2. Case# 20-CC-00001, Jackpot, 726 7<sup>th</sup> Street N.W., Retailer CT, License # ABRA-091915

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3. Case# 20-MGR-00002, ABC Manager, Alonzo J. Pelzer, License # ABRA-107088

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4. Case# 20-CC-00008, Olivia, 800 F Street N.W., Retailer CR, License # ABRA-090984

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5. Case# 20-MGR-00006, ABC Manager, Timothy Hayes, License # ABRA-097142

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6. Case# 19-CMP-00218, Hawthorne, 1336 U Street N.W., Retailer CT, License # ABRA-099603

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7. Case# 20-CC-00011, Sette Osteria, 1634 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-089205

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8. Case# 20-CC-00017, Mirror Lounge, 1920 9<sup>th</sup> Street N.W., Retailer CT, License # ABRA-111950

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9. Case# 20-CC-00005, Holiday Liquors, 3505 Wheeler Road S.E., Retailer A, License # ABRA-091095

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10. Case# 20-CC-00009, Ella's Wood-Fired Pizza, 901 F Street N.W., Retailer CR, License # ABRA-060635

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11. Case# 20-MGR-00003, ABC Manager, Darrell C. Owens, License # ABRA-103696

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12. Case# 20-CC-00014, Chicken + Whiskey, 1738 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-103863

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13. Case# 20-CC-00013, Mexicue, 1720 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-115173

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14. Case# 20-CC-00015, Victor Liquors, 6220 Georgia Avenue N.W., Retailer A, License # ABRA-088173

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15. Case# 20-MGR-00008, ABC Manager, Teofilo Ayala, License # ABRA-111778

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16. Case# 20-CC-00019, Three Way Liquors Inc., 4823 Georgia Avenue N.W., Retailer A, License # ABRA-021972

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17. Case# 20-CMP-00019, Roti Mediterranean Grill, 2221 I Street N.W., Retailer DR, License # ABRA-102597

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18. Case# 20-CC-00004, Spar Liquor, 3916 South Capitol Street S.E., Retailer A, License # ABRA-105207

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19. Case# 20-CMP-00020, State Plaza Hotel, 2116 F Street N.W., Retailer CH, License # ABRA-078312

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20. Case# 20-AUD-00005, The Big Stick, 20 M Street S.E., Retailer CR, License # ABRA-094844

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21. Case# 20-AUD-00006, Acacia, 4340 Connecticut Avenue N.W., Retailer CR, License # ABRA-080916

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22. Case# 19-CMP-0021, Hook Hall, 3400 Georgia Avenue N.W., Retailer CT, License # ABRA-109296

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23. Case# 20-CMP-00004, The Phillips Collection, 1600 21<sup>st</sup> Street N.W., Retailer CX, License # ABRA-019017

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24. Case# 19-251-00160, La Molienda, 3568 14<sup>th</sup> Street N.W., Retailer CR, License # ABRA-060398

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25. Case# 19-251-00158, Saint Yves, 1220 Connecticut Avenue N.W., Retailer CT, License # ABRA-099876

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26. Case# Unlicensed Establishment, -Eats United/Kings Hookah Lounge, 641 Indiana Avenue N.W.

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27. Case# 20-CMP-00028, Friendship Macaron/Vibes, 2434 18<sup>th</sup> Street N.W., Retailer CR, License # ABRA-113227

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28. Case# 20-CMP-00027, Seasons & Sessions, 2427 18<sup>th</sup> Street N.W., Retailer CR, License # ABRA-106088

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29. Case# 19-251-00168, Agelgil Restaurant and Bar, 5427 Georgia Avenue N.W., Retailer CR, License # ABRA-113673

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30. Case# 20-CMP-00001, Stop & Shop Liquors, 3011 Rhode Island Avenue N.E., Retailer A, License # ABRA-099920

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31. Case# 19-251-00169, Number Nine, 1435 P Street N.W., Retailer CT, License # ABRA-086354

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32. Case# 19-CMP-00217, Trattoria Al Volo, 3415-3417 Connecticut Avenue N.W., Retailer CT, License # ABRA-108217

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33. Case# 19-251-00167, Agelgil Restaurant and Bar, 5427 Georgia Avenue N.W., Retailer CR, License # ABRA-113673

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34. Case# 19-CMP-00225, Nando's Peri-Peri, 411 H Street N.E., Retailer CR, License # ABRA-097889

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35. Unlicensed Establishment, Duke Ellington School of Arts, 3500 R Street N.W.

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36. Case# 19-CMP-00215, Betty's Gojo, 7616 Georgia Avenue N.W., Retailer CR, License # ABRA-1002500

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37. Case# 20-CMP-00029, Songbyrd, 2475-2477 18<sup>th</sup> Street N.W., Retailer CT, License # ABRA-096137

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38. Case# 20-CC-00016, Rocket Liquors, 900 Kennedy Street N.W., Retailer A, License # ABRA-103855

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39. Case# 20-MGR-00007, ABC Manager, Krishan Thakur, License # ABRA-104146

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40. Case# 20-CMP-00032, Roofer's Union – Jug and Table, 2442-2446<sup>th</sup> Street N.W., Retailer CT, License # ABRA-093582

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, FEBRUARY 12, 2020 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Gypsy Sally's*, 3401 K Street NW, Retailer CT, License No. 090582.
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2. Review Application for Safekeeping of License – Original Request. ANC 4C. SMD 4C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Taqueria Habanero*, 3710 14<sup>th</sup> Street NW, Retailer CR, License No. 098996.
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3. Review Request to increase Sidewalk Café seating from 20 to 25. ANC 2E. SMD 2E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Billy Martin's Tavern*, 1264 Wisconsin Avenue NW, Retailer CR, License No. 060407.
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**\*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).**

## OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING  
COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH  
OUTCOMES

Commission on Out of School Time Grants and Youth Outcomes (OST Commission) Public Meeting Washington, DC – The Commission on Out of School Time Grants and Youth Outcomes will hold a public meeting on Thursday, February 13, 2020 from 7:00 pm to 8:30 pm at One Judiciary Square, 441 4<sup>th</sup> Street NW, Room 1107 South. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes and the Needs Assessment Committee. Finally, the Commission will hear updates from the OST Commission's committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at [learn24@dc.gov](mailto:learn24@dc.gov). Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, February 11th at 5:00 pm.

Below is the draft agenda for the meeting.

- I. Call to Order
- II. Public Comment
- III. Announcement of a Quorum
- IV. Approval of the Agenda
- V. Approval of Minutes
- VI. Updates: Office of Out of School Time Grants and Youth Outcomes
- VII. Update from Needs Assessment Committee
- VIII. Committee Update
- IX. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission's purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

**Date:** February 13, 2020  
**Time:** 7:00 p.m. – 8:30 p.m.  
**Location:** One Judiciary Square  
Room 1107 South  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001

**Contact:** Debra Eichenbaum  
Grants Management Specialist  
Office of Out of School Time Grants and Youth Outcomes  
Office of the Deputy Mayor for Education  
(202) 478-5913  
Debra.eichenbaum@dc.gov



**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS****Certification of Filling a Vacancy  
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

**John J. Feeley, Jr.**  
Single-Member District **5B05**

**DEPARTMENT OF ENERGY AND ENVIRONMENT**  
**BUILDING ENERGY PERFORMANCE STANDARDS TASK FORCE**  
**NOTICE OF PUBLIC MEETING**

The Task Force meeting will be held on Tuesday February 18, 2020 from 2:30 p.m. to 4:30 p.m. The meeting will be held at the Department of Energy and Environment's offices at 1200 First St NE, 5<sup>th</sup> Floor, Washington, DC 20002. The final agenda will be posted on the Department of Energy and Environment's website at <https://doee.dc.gov/service/building-energy-performance-standards>.

For additional information, please contact: Kate Johnson, Chief, Green Building & Climate Branch, at (202) 299-3355 or [katherine.johnson@dc.gov](mailto:katherine.johnson@dc.gov).

**Draft Meeting Agenda**

1. Opening Remarks
2. Administrative Items
3. Discuss Performance Standard for Campuses & Universities
4. Adjournment

**HEALTH BENEFIT EXCHANGE AUTHORITY****NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be **by phone only** on **Wednesday, February 12, 2020 at 5:30 pm**. The call in number is 1-650-479-3208, and access code is 731 476 505. The Executive Board meeting is open to the public. If you have any questions, please contact Debra Curtis at (202) 741-0899.

**I DREAM PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

**Renovation of Space**

I Dream Public Charter School is seeking proposals from individuals or companies to provide renovation of existing space to include:

1. Outfit four (4) Early Childhood Education bathrooms within the school's space.
  - a. Room 3- convert office space within this room into a bathroom
  - b. Room 6 and Room 7- shared bathroom between wall
  - c. Room 8 and Room 9- shared bathroom between wall
  - d. Computer room (2<sup>nd</sup> floor)- bathroom
2. Open wall between Room 2 and Room Nursery and install a folding partition.
3. Screens installed on the outside of every classroom window (8 classrooms).
4. Installation of window locks/stoppers to prevent windows from opening above an agreed upon height in 8 classrooms.

Bidder is responsible for design, permitting, and construction of project.

**Schedule of Deadlines:** Full completion of this project by July 1, 2020.

Bids that do not address all areas as outlined in the RFP or bids received past the deadline will not be considered.

Send proposal by 5:00 pm, February 14, 2020 via e-mail to: [mwhitnall@idreampcs.org](mailto:mwhitnall@idreampcs.org).

For additional information, please contact:

Matt Whitnall  
I Dream Public Charter School  
2200 Branch St SE  
Washington, DC 20020  
[mwhitnall@idreampcs.org](mailto:mwhitnall@idreampcs.org)

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Owner's Representative Services**

KIPP DC is soliciting proposals from qualified vendors for Owner's Representative 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 19, 2020. Questions should be addressed to [kevin.mehm@kippdc.org](mailto:kevin.mehm@kippdc.org).

**Architectural Services**

KIPP DC is soliciting proposals from qualified vendors for Architectural 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 19, 2020. Questions should be addressed to [kevin.mehm@kippdc.org](mailto:kevin.mehm@kippdc.org).

**Phase II Environmental Site Assessment Services**

KIPP DC is soliciting proposals from qualified vendors for Phase II Environmental Site Assessment 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 19, 2020. Questions should be addressed to [kevin.mehm@kippdc.org](mailto:kevin.mehm@kippdc.org).

**WAN/LAN Network Installation Services**

KIPP DC is soliciting proposals from qualified vendors for WAN/LAN Network Installation 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 [keon.toyer@kippdc.org](mailto:keon.toyer@kippdc.org).

**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Architectural Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with Studio Twenty Seven Architecture (Studio27) for contracted Architectural Services in school year 2019-20. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2020.

Studio27 responded to a Request for Proposals to provide defined Architectural Services for the property under development at 5000 14<sup>th</sup> Street NW, Washington, DC issued by Building Hope Real Estate LLC in September, 2017. Building Hope Real Estate LLC selected Studio27 as the preferred architecture firm and a contract was executed in November, 2019.

Ownership of the property was assigned by Building Hope Fourteenth Street Inc. to LAMB on January 13, 2020. The contract for Architectural Services is now being assigned to LAMB as well.

Studio27 has proven success in providing the Architectural Services for the benefit of the project through activities performed thus far in design and permitting processes.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to [accounting@lambpcs.org](mailto:accounting@lambpcs.org).

**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Commissioning Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with A2 Services, Inc. (A2 Services) for contracted Commissioning Services in school years 2019-20 and 2020-2021. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2020.

A2 Services will provide the services required for successful obtainment of the LEED prerequisite of EA1 (Fundamental Commissioning) and potentially the credit of EAc3 (Enhanced Commissioning – Option 1 – Path 1) for the LEED BD&C Version 4 project under development at 5000 14<sup>th</sup> Street NW, Washington, DC.

Upon award of a contract for this project, A2 Services will commence the development of a Commissioning Plan that will outline pre & post construction processes, and the main fundamental commissioning tasks to be performed during the construction phase.

A2 Services has proven success in providing Commissioning Services for DC Public Schools and Public Charter Schools.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to [accounting@lambpcs.org](mailto:accounting@lambpcs.org).

**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Early Start Construction Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with MCN Build for early start construction services in school year 2019-20. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2020. The scope of work includes demolition and abatement services that are required prior to construction services for the preparation of occupancy of the property as a school.

The subject property is located at 5000 14<sup>th</sup> Street NW, Washington, DC.

MCN Build participated in pre-construction activities for the subject property with the project team to provide accurate and timely costing, constructability and value engineering information at the start of the conceptual phase and demolition permitting.

MCN Build performs a wide range of services from delivering large educational campuses to mixed-use facilities, corporate offices, and community centers.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to [accounting@lambpcs.org](mailto:accounting@lambpcs.org).



**LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS (RFP)**

**401k Plan Audit Services**

Latin American Montessori Bilingual Public Charter School (LAMB) is seeking proposals to perform an audit of their employee 401k Plan for the plan year ended June 30, 2019. Relevant details of the plan may be requested via email to [Accounting@lambpcs.org](mailto:Accounting@lambpcs.org).

Proposals should be submitted by February 14, 2020, but may be accepted and considered following that date.

For additional information please contact [accounting@lambpcs.org](mailto:accounting@lambpcs.org).

## DISTRICT OF COLUMBIA RETIREMENT BOARD

## NOTICE OF OPEN PUBLIC MEETING

February 20, 2020  
1:00 p.m.

900 7<sup>th</sup> Street, N.W.  
2<sup>nd</sup> Floor, DCRB Boardroom  
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, February 20, 2020, at 1:00 p.m. The meeting will be held at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled.* For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or [Deborah.Reaves@dc.gov](mailto:Deborah.Reaves@dc.gov).

**AGENDA**

- |       |                                   |                    |
|-------|-----------------------------------|--------------------|
| I.    | Call to Order and Roll Call       | Chair Clark        |
| II.   | Approval of Board Meeting Minutes | Chair Clark        |
| III.  | Chair's Comments                  | Chair Clark        |
| IV.   | Executive Director's Report       | Ms. Morgan-Johnson |
| V.    | Investment Committee Report       | Mr. Warren         |
| VI.   | Operations Committee Report       | Mr. Smith          |
| VII.  | Benefits Committee Report         | Ms. Collins        |
| VIII. | Legislative Committee Report      | Mr. Blanchard      |
| IX.   | Audit Committee Report            | Mr. Hankins        |
| X.    | Other Business                    | Chair Clark        |
| XI.   | Adjournment                       |                    |

**TWO RIVERS PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**RTU Replacement**

Two Rivers PCS is soliciting price quotes from certified Trane vendors to install an RTU replacement. To request a copy of the RFP, email Gail Williams at [procurement@tworiverspcs.org](mailto:procurement@tworiverspcs.org). Proposals are due by February 28, 2020.

**WASHINGTON CONVENTION AND SPORTS AUTHORITY  
(T/A EVENTS DC)**

**NOTICE OF PUBLIC MEETINGS**

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that it has scheduled the following meetings for 2020:

January 16  
February 13  
March 12  
April 9  
May 14  
June 11  
July 9  
September 10  
October 8  
November 12  
December 10

Meetings take place in the Jarvis Board Room of the Walter E. Washington Convention Center, 801 Mount Vernon Place, NW, Washington, DC 20001, beginning at 10 a.m. The Board's agenda includes reports from its Standing Committees.

For additional information, please contact Jennifer Lawrence at (202) 249-3275 or email [jlawrence@eventsdc.com](mailto:jlawrence@eventsdc.com)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 14493-B of MG Properties Management LLC**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the conditions of BZA Order No. 14493-A, to allow the enrollment of children ranging in age from two months to fourteen years of age for the child development center in the R-16 Zone at premises 5331 Colorado Avenue, N.W. (Square 2718, Lot 804).

<b>HEARING DATE (14493-A):</b>	April 12, 2016
<b>DECISION DATE (14493-A):</b>	April 12, 2016
<b>ORDER ISSUANCE DATE (14493-A):</b>	April 26, 2016
<b>MODIFICATION OF CONSEQUENCE DECISION DATE (14493-B):</b>	January 29, 2020

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE**

Original Application. In Application No. 14493-A, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Star of Bethlehem Church of God for a special exception from the child development center requirements under the Zoning Regulations of 1958 to allow a child development center for 150 children and 17 staff in the SSH-2/R-1-B District.<sup>1</sup> The Board issued Order No. 14493-A on April 26, 2016. (Exhibit 3.) The approval was subject to 3 conditions:

1. Student enrollment shall not exceed 150 children, ranging in age from two through five years of age.
2. The number of staff shall not exceed 17.
3. The hours of operation shall not exceed from 6:30 AM to 6:30 PM, Monday through Friday.

Proposed Modification. On November 12, 2019, MG Properties Management LLC, the owner of the property, submitted a request for modification of consequence to Order No. 14493-A. (Exhibits 1-2.) The Applicant proposes to modify Condition No. 1 to modify the permitted ages of students enrolled in the center as follows:

**Condition No. 1:** Student enrollment shall not exceed 150 children, ranging in age from ~~two through five~~ **2 months to 14 years of age.**

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<sup>1</sup> The use was initially established by BZA Order No. 14493, which became final on December 4, 1986 for a three-year period.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations” to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibits 1, 14.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 4C.

ANC Report. The ANC did not submit a written report regarding the modification request.

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 13.)

DDOT Report. The District Department of Transportation did not submit a written report regarding the modification request.

### **Request for Modification of Consequence**

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to modify the conditions of BZA Order No. 14493-A, to allow the enrollment of children ranging in age from two months to fourteen years for the child development center in the R-16 Zone.

The Board determines that the Applicant’s request complies with Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.” Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under Subtitle Y § 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) As no written report was filed by the affected ANC, the Board has no issues or concerns to afford “great weight.”

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.

**BZA APPLICATION NO. 14493-B**

**PAGE NO. 2**

It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 14493-A is hereby **GRANTED**, subject to the following conditions, which shall replace and supersede the conditions of BZA Order No. 14493-A:

1. Student enrollment shall not exceed 150 children, ranging in age from 2 months to 14 years of age.
2. The number of staff shall not exceed 17.
3. The hours of operation shall not exceed from 6:30 AM to 6:30 PM, Monday through Friday.

In all other respects, Order No. 14493-A remains unchanged.

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter A. Shapiro 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 30, 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. 14493-B  
PAGE NO. 3**

**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

**CORRECTED SUMMARY ORDER<sup>1</sup> 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

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<sup>1</sup> This order has been revised to correct the citation to the Exhibit showing the approved modified floorplans. No other changes have been made to the order.



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>2</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>3</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

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<sup>2</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>3</sup> See, Subtitle Y §§ 703.3 and 703.4.

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 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 Exhibit 4 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.

**BZA ORDER NO. 18744-A(1)**

**PAGE NO. 3**

- 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 ORDER NO. 18744-A(1)  
PAGE NO. 5**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20151 of District Properties.com Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to construct a semi-detached principal dwelling unit in the RA-1 zone at premises 4945 Fitch Place, N.E. (Square 5184, Lot 53)

**HEARING DATE:** December 4, 2019

**DECISION DATE:** December 4, 2019

**DECISION AND ORDER**

District Properties.com Inc. (the “**Applicant**”) filed an application with the Board of Zoning Adjustment (the “**Board**”) on August 13, 2019, pursuant to Subtitle X, Chapter 9 of Title 11 of the DCMR (the “**Zoning Regulations**”, to which all references are made unless otherwise specified) requesting

- Special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5 (the “**Application**”),

to construct a semi-detached principal dwelling unit in the RA-1 zone at premises 4945 Fitch Place, N.E. (Square 5184, Lot 53) (the “**Property**”). For the reasons explained below, the Board voted to **APPROVE** the Application.

**FINDINGS OF FACT**

**Notice of Application and Notice of Public Hearing**

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the December 4, 2019 hearing by an October 7, 2019 letter to
  - the Applicant;
  - Advisory Neighborhood Commission (“**ANC**”) 7C, the ANC within whose boundaries the Property is located and so the “affected” ANC per Subtitle Y § 101.8;
  - the Single Member District (“**SMD**”) Commissioner for ANC 7C03 and the Office of ANCs;
  - the Office of Planning (“**OP**”);
  - the District Department of Transportation (“**DDOT**”);
  - the National Park Service (“**NPS**”);
  - the Councilmember for Ward 7;
  - the Chairman of the Council;
  - the At-Large Councilmembers; and
  - the owners of all property within 200 feet of the Property. (Exhibit [“**Ex.**”] 18-31.)

2. OZ also published notice of the December 4, 2019 public hearing in the *D.C. Register* on October 4, 2019 (66 DCR 12962) as well as through the calendar on OZ's website.

### Party Status

3. In addition to the Applicant, ANC 7C was automatically a party in this proceeding pursuant to Subtitle Y § 403.5. No other party status requests were received.

### The Property

4. The Property is located at 4945 Fitch Place N.E., Square 5184, Lot 53. (Ex. 35.)
5. The Property is irregular in shape and measures approximately 65 feet long on the east side, 28 feet wide on the south side, 69 feet long on the west side, and 26 feet wide on the north side. It encompasses 1,832 square feet of land area. (Ex. 2 and 15.)
6. The Property fronts on Fitch Place, N.E. to the north and 50<sup>th</sup> Street, N.E. to the east. (Ex. 2.)
7. The neighborhood surrounding the Property is generally residential in character.
8. To the west of the Property are vacant lots, and to the south of the Property is the rear lot line of an apartment building. (Ex. 35.)
9. The Property is vacant. (Ex. 15.)
10. The Property does not have access to an open public alley, nor does it have an existing curb cut or driveway from the street. (Ex. 2.)
11. Near the southeast corner of the Property, at the edge of the roadway curb, is a row of three catch basins. (Ex. 44.)
12. The Property's northern and eastern lot lines are in close distance proximity to the intersection of Fitch Place, N.E. and 50<sup>th</sup> Street, N.E. (the "**Intersection**") (Ex. 2.)
13. The Property is located in the RA-1 zone. (Ex. 35.)
14. The purpose of the RA-1 zone is to provide "for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments." (Subtitle F § 300.)

### The Application

15. The Application proposed to construct a new semi-detached principal dwelling unit on the Property (the "**Building**"). (Ex. 15.)

16. The Application asserted that the Building complies with the height and bulk requirements of the RA-1 zone. (Ex. 35.)
17. The Application proposed to not provide any parking spaces for the Building. (Ex. 8.)
18. The RA-1 zone requires one parking space per principal dwelling unit. (Subtitle C § 701.5.)

### **Zoning Relief Requested**

19. The Application requested a full reduction of the single parking space required, as authorized as a special exception by Subtitle C § 703. (Ex. 35.)
20. The Application supported the requested parking relief based on the Property's
  - lack of access to an open public alley,
  - the absence of an existing curb cut or driveway, and
  - the close proximity to the Intersection.(Ex. 15, Subtitle C § 703.2(h).)
21. The Application argued that the Property could not provide a curb cut or driveway due to the standards of the Section 31.5.5 of the DDOT Design and Engineering Manual (DEM), which states that “the minimum acceptable distance between the edge line of an intersection and the edge line of an adjacent driveway or alley is 60 feet as measured along the roadway curb between the near edge lines of the driveway or alley” (the “**DDOT Distance Standard**”). (Ex. 15.)<sup>1</sup>
22. The Application asserted that, with regard to the Property's Fitch Street, N.E. frontage, DDOT would not support a request for a new curb cut and driveway to provide access to a parking space, since the distance from the Intersection would be contrary to DDOT's Distance Standard.
23. The Application did not specifically address the potential of constructing a curb cut and driveway along the Property's 50<sup>th</sup> Street, N.E. frontage, but generally concluded that DDOT's Distance Standard would not allow any new vehicular paths into the Property. (Ex. 15.)
24. The Applicant submitted several documents chronicling its attempts to address the concerns of the ANC (Ex. 37-39), including a statement that the Applicant had not removed any trees yet, but had obtained a permit from the Urban Forestry Administration (included with Ex. 39) authorizing the removal of the trees on the Property.

### **Responses to the Application** **OP Report**

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<sup>1</sup> 24 DCMR § 605.9 states that “All curb cuts and driveways shall meet the specifications of and be permitted by the District Department of Transportation.”

25. OP submitted a written report dated November 22, 2019 (Ex. 35, the “**OP Report**”), that analyzed the Application against the special exception standards, which it determined had been met, and recommended approval of the requested relief.
26. The OP Report concluded that a request for a curb cut and driveway from either the Fitch Place, N.E. or the 50<sup>th</sup> Street, N.E. frontages would contravene DDOT’s Distance Standard and thus be unlikely to receive DDOT approval, which would therefore satisfy the standards of Subtitle C §§ 703.2 through 703.4.

### **DDOT Reports**

27. DDOT submitted a written report dated November 20, 2019 (Ex. 34, the “**First DDOT Report**”), stating that “[g]iven the site’s use as a single-family rowhouse and its proximity to the Benning Road Metrorail Station, DDOT does not find it necessary to implement a TDM [Transportation Demand Management plan] for relief from one (1) parking space,” that is required by Subtitle C § 703.4.
28. The First DDOT Report concluded that the Application’s requested parking relief would not have any adverse impacts to the District transportation network and therefore stated that it had no objection to the approval of the Application.
29. DDOT submitted a supplemental report dated December 2, 2019 (Ex. 43, the “**Second DDOT Report**”), that specifically addressed the Application’s assertion that it satisfied Subtitle C § 703.2 based on the unlikelihood of obtaining DDOT approval for a curb cut and driveway. The Second DDOT Report stated that a “curb cut on either Fitch Place, N.E. or 50<sup>th</sup> Street, N.E. would not meet the 60-foot standard and thus it would be unlikely for DDOT to support and the District of Columbia Public Space Committee (PSC) to approve the curb cut.”
30. The Second DDOT Report further stated that even if the DDOT’s Distance Standard could be satisfied on the Property, DDOT would still not support any new curb cut for the Property due to anticipated harmful impacts to public space. More specifically, DDOT states that a curb cut for the Property could cause the following:
  - 1) creates a new conflict point between vehicles and pedestrians,
  - 2) loss of at least one on-street vehicle parking space,
  - 3) loss of at least one street tree, and
  - 4) more impervious pavement and less green space in the public realm.

### **ANC Report**

31. ANC 7C submitted a November 14, 2019, written report (Ex. 40, the “**ANC Report**”), stating that the ANC voted to oppose the Application at a duly noticed and scheduled public meeting on September 12, 2019, at which a quorum was present.
32. The ANC Report indicated that the ANC voted in opposition to the Building because the Applicant did not address the following issues at the time of ANC meeting:



- (1) Results of a parking study at the site to justify the parking exemption request;
- (2) Plans for rodent remediation at the development site; and
- (3) Lack of visible tree removal permits at the site prior to tree removal.

**Persons in Support**

33. The Board received no letters or testimony from persons in support of the Application.

**Persons in Opposition**

34. The Board received no letters or testimony from persons in opposition to the Application.

**Public Hearing of December 4, 2019**

35. At the December 4, 2019, public hearing (the “**Public Hearing**”), the Applicant testified that a new curb cut and driveway would not be allowed on either street frontage of the Property due to the close proximity to the Intersection in conjunction with DDOT’s Distance Standard. (December 4, 2019, Public Hearing Transcript [“**Tr.**”] at 16-17.)
36. The Applicant also provided further testimony about obstacles to a curb cut and driveway along the Property’s 50<sup>th</sup> Street, N.E. frontage. The Applicant testified that three (3) catch basins are located near the Property’s southeast corner near the 50<sup>th</sup> Street, N.E. roadway curb. The presence of the catch basins, combined with the minimum width needed for curb cuts, would leave insufficient space to satisfy DDOT’s Distance Standard. (Tr. at 17-18.)
37. The Applicant submitted a site layout to illustrate the location of the catch basins and the proximity to the Intersection. (Ex. 44.)
38. OP testified at the Public Hearing that that any new curb cut or driveway on the Property would be non-compliant with DDOT’s Distance Standard. In addition, in reference to the Property’s 50<sup>th</sup> Street, N.E. frontage in particular, OP asserted that, even if the catch basins did not exist in their present location, a new curb cut and driveway would still fail to meet DDOT’s Distance Standard. (Tr. at 18-19.)

**CONCLUSIONS OF LAW**

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); *see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception:
  - a. will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,
  - b. will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and
  - c. complies with the special conditions specified in the Zoning Regulations.

2. For the relief requested by the Application, the “specific conditions” are those of Subtitle C § 703.
3. Relief granted by the Board through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973))

**Relief under Subtitle C § 703 from the Minimum Parking Requirements of Subtitle C § 701.5**

4. Per Subtitle C § 703, the Board may grant a full or partial reduction in number of required parking spaces, subject to the applicant’s demonstration of at least one of the ten possible criteria of Subtitle C § 703.2, and satisfaction of the additional standards of Subtitle C §§ 703.3 and 703.4.

*Satisfaction of at least one criteria of Subtitle C § 703.2*

5. The Board concludes that the Application meets the criteria of Subtitle C § 703.2(h):  
*The property does not have access to an open public alley, resulting in the only means by which a motor vehicle could access the lot is from an improved public street and either:*
  - 1) *A curb cut permit for the property has been denied by the District Department of Transportation; or*
  - 2) *Any driveway that could access an improved public street from the property would violate any regulation of this chapter, of the parking provisions of any other subtitle in the Zoning Regulations, or of Chapters 6 or 11 of Title 24 DCMR;*
6. The Board concludes that the Applicant meets this criterion because it has demonstrated that it is unable to provide the required parking on the Property due to its lack of access to a public alley and DDOT’s opposition to approving a curb cut and driveway stated in the Second DDOT Report. (FF 10, 29-30.)

*Compliance with Subtitle C § 703.3*

7. Subtitle C § 703.3 imposes a limit on the amount of available relief:  
*Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide and shall be proportionate to the reduction in parking demand demonstrated by the applicant.*
8. The Board concludes that the Application complies with Subtitle C § 703.3’s limit because it only requests relief from the one required parking space that the Property is

unable to provide due to the Property's lack of alley access and to DDOT's stated opposition to approving a curb cut and driveway necessary to provide that parking space. (FF 10, 17.)

*Compliance with Subtitle C § 703.4*

9. Subtitle C § 703.4 requires that:

*Any request for a reduction in the minimum required parking shall include a transportation demand management plan approved by the District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval.*

10. The Board concludes that the Application complies with Subtitle C § 703.4 because the First DDOT Report concluded that the Application did not require a TDM plan based on the limited relief requested (one parking space) for a limited use (a single principal dwelling unit), which DDOT determined would not have an adverse impact on the District's transportation network. (FF 27, 28.)

**General Special Exception Relief – Subtitle X § 901**

11. The Board concludes that the Application, in addition to meeting the specific conditions of Subtitle C § 703, also meets the general special exception standards in Subtitle X § 901.2 to be in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps and to not adversely affect the surrounding properties as follows:

- a. The Board concludes that granting the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the Building meets the intent of the RA-1 Zone to permit low to moderate density housing that meets the other development standards of the RA-1 zone. (FF 14, Ex. 35.) The Board notes that the Application has satisfied the specific special exception criteria for parking relief as discussed above and that this relief was supported by OP and DDOT. (FF 25-30, Tr. at 23.)
- b. The Board concludes that granting the requested special exception will not tend to adversely affect the use of neighboring properties because the Board concurs with the findings of the OP Report and the First and Second DDOT Reports that did not find any additional adverse impacts resulting from the Building. (FF 25-30, Ex. 34-35, 43.) In particular, the Board credits the First DDOT Report's conclusion that the proposed parking relief would not have an adverse impact on the District's transportation network. (FF 28, Ex. 34.)

**“Great Weight” to the Recommendations of OP**

12. The Board must give “great weight” to the recommendations of OP, pursuant to § 13(d) 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) and Subtitle Y § 405.8.)

13. The Board concludes that the OP Report, which provided an in-depth analysis of how the Application met each of the requirements for the requested special exception relief, is persuasive and concurs with OP's recommendation that the Application be approved, as discussed above. (Tr. at 23.)

**“Great Weight” to the Written Report of the ANC**

14. The Board 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.)) and Subtitle Y § 406.2. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. 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).
15. The Board notes the ANC's concern about the lack of a parking study but finds it unpersuasive given the conclusions of the First DDOT Report that the proposed parking relief, and the proposed use, would not result in any adverse impacts on the District's transportation network and did not require any TDM plan. The Board also credits the Second DDOT Report's statement that DDOT would not support any new curb cut or driveway that would be required to allow the Property to provide the one required parking space. (FF 29-30, Ex. 34-35, 43, Tr. at 22.)
16. The Board concludes that the other issues and concerns raised by the ANC Report – rodent remediation and the lack of visible tree removal permits at the site – are beyond the scope of the Board's review in granting relief from parking, and as such do not constitute “legally relevant issues and concerns.” (Tr. at 21.) Nonetheless, the Board does note that the Applicant submitted evidence addressing these concerns of the ANC, including a permit to remove the trees on the Property. (Ex. 37-39.)

**DECISION**

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied its burden of proof with respect to the request for special exception relief under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and therefore orders the Application for that relief be **GRANTED**, subject to the following **CONDITION**:

1. Development of the Property that uses the relief granted in this Order shall comply with the approved plans at Exhibit 6<sup>2</sup> as required by Subtitle Y §§ 604.9 and 604.10.

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<sup>2</sup> Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibit 13.) In granting the requested self-certified relief subject to the plans submitted with the Application, the

**VOTE (Dec. 4, 2019):** 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter A. Shapiro 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 29, 2020

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 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 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,

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Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any such application that would require additional or different zoning relief from that is granted by this Order.

**BZA APPLICATION NO. 20151**

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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. 20173 of Susan Ludwig and Laura Olsen**, 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 construct a one-story accessory structure in the rear yard of an existing attached principal dwelling unit in the RF-1 Zone at premises 2011 1st Street N.W. (Square 3117, Lot 39).

**HEARING DATE:** Applicant waived the right to a public hearing  
**DECISION DATE:** January 29, 2020 (Expedited Review Calendar)

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.)

Expedited Review. Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (the "Board" or "BZA") expedited review calendar for decision as a result of the applicant's waiver of its right to a hearing. No objections to expedited review consideration were made by any person or entity entitled to do under Subtitle Y §§ 401.7 and 401.8.

Notice of the Application and Public Meeting. The Board referred the application to the appropriate agencies and provided proper and timely notice of the public meeting 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 30.)

OP Report. The Office of Planning submitted a report, dated January 17, 2020, recommending approval of the application. (Exhibit 27.)

DDOT Report. The District Department of Transportation submitted a report, dated January 10, 2020, indicating that it had no objection to the application. (Exhibit 28.)

### 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 construct a one-story accessory structure in the rear yard of an existing attached 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 6.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Peter A. Shapiro 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 30, 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

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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.



STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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