

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-218, Go-Go Official Music of the District of Columbia Designation Act of 2020
- D.C. Council recognizes and honors the Washington Mystics on their first WNBA championship in franchise history (ACR 23-177)
- D.C. Council schedules a public roundtable on PR 23-696, Sense of the Council Opposing Implementation of Public Charge Rule Resolution of 2020
- D.C. Commission on the Arts and Humanities announces funding for the Fiscal Year 2020 MuralsDC Program
- Department of Behavioral Health announces funding for the DC Opioid Response Prevention Grant for Ward 3
- Department of Energy and Environment announces funding for implementing the Sustainable DC 2.0 Plan
- Department of Human Services updates assistance payment levels for several public benefit programs
- D.C. Rental Housing Commission issues the 2020 Resolution for the Social Security Cost-of-Living Adjustment
- Department of Youth Rehabilitation Services announces funding for the Family Engagement Grant Program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A23-218 Go-Go Official Music of the District of Columbia Designation Act of 2020 (B23-317).....002096 - 002097

RESOLUTIONS

Res 23-316 Board of Trustees of the University of the District of Columbia Esther Barazzone Confirmation Resolution of 2020..... 002098
Res 23-317 Board of Trustees of the University of the District of Columbia Jerome Shelton Confirmation Resolution of 2020..... 002099
Res 23-318 Commission on the Arts and Humanities Alma Gates Confirmation Resolution of 2020..... 002100
Res 23-319 Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2020 002101
Res 23-320 Commission on the Arts and Humanities José Alberto Uclés Confirmation Resolution of 2020 002102
Res 23-321 Commission on the Arts and Humanities Mary Ann Miller Confirmation Resolution of 2020 002103
Res 23-322 Commission on the Arts and Humanities Cicie Sattarnilasskorn Confirmation Resolution of 2020 002104
Res 23-323 Commission on the Arts and Humanities Natalie Hopkinson Confirmation Resolution of 2020 002105
Res 23-324 Commission on the Arts and Humanities Cora Masters Barry Confirmation Resolution of 2020 002106
Res 23-328 District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2020 002107
Res 23-329 District of Columbia Retirement Board Michael J. Warren Reappointment Resolution of 2020 002108
Res 23-330 District of Columbia Retirement Board Joseph M. Bress Reappointment Resolution of 2020 002109

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

RESOLUTIONS CONT'D

Res 23-341 University of the District of Columbia Contract
No. GF-2020-C-0008 Approval Resolution of 2020.....002110

Res 23-343 Sense of the Council Urging Fair and Equitable
Funding for District of Columbia Schools
Resolution of 2020002111 - 002112

ADOPTED CEREMONIAL RESOLUTIONS

ACR 23-156 Zahir Muhammad Recognition Resolution of 2019002113 - 002114

ACR 23-157 St. Timothy’s Episcopal Church 75th Anniversary
Recognition Resolution of 2019002115 - 002116

ACR 23-158 African American Music Association, Inc.
Celebration of Seniors Day Recognition
Resolution of 2019..... 002117

ACR 23-159 James N. Short, Jr. 73rd Birthday Recognition
Resolution of 2019..... 002118

ACR 23-160 Bernice Elizabeth Thornton 90th Birthday
Recognition Resolution of 2019002119 - 002120

ACR 23-161 Tom Lewis 80th Birthday Recognition
Resolution of 2019.....002121 - 002122

ACR 23-162 Washington Blade 50th Anniversary
Recognition Resolution of 2019002123 - 002124

ACR 23-163 A. Janelle Goetcheus, M.D. Recognition
Resolution of 2019.....002125 - 002126

ACR 23-164 The American Foundation for Suicide Prevention
13th Annual Out of the Darkness Walk Ceremonial
Recognition Resolution of 2019002127 - 002129

ACR 23-165 The National Co-op Recognition Resolution of 2019002130 - 002131

ACR 23-166 The Aged Woman’s Home of Georgetown’s
150th Anniversary Recognition Resolution of 2019002132 - 002133

ACR 23-167 50th Anniversary of the Davis Center Ceremonial
Recognition Resolution of 2019002134 - 002135

ACR 23-168 Community Family Life Services 50th Anniversary
Recognition Resolution of 2019 002136

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

ADOPTED CEREMONIAL RESOLUTIONS CONT'D

ACR 23-169 E.L. Haynes Public Charter School 15th Anniversary
Ceremonial Recognition Resolution of 2019.....002137 - 002138

ACR 23-170 Dr. James W. Baldwin Recognition Resolution of 2019.....002139 - 002141

ACR 23-171 Maybelle Bennett Recognition Resolution of 2019.....002142 - 002143

ACR 23-172 GW Mammovan Recognition Resolution of 2019002144

ACR 23-173 DMV Black Restaurant Week Recognition
Resolution of 2019.....002145 - 002146

ACR 23-174 The Cora Masters Barry and the 25th Anniversary
of the Recreation Wish List Committee Recognition
Resolution of 2019.....002147 - 002148

ACR 23-175 Thelma D. Jones Ceremonial Resolution of 2019002149 - 002151

ACR 23-176 National Lead Poisoning Prevention Week
Recognition Resolution of 2019002152 - 002153

ACR 23-177 Washington Mystics Recognition Resolution of 2019002154 - 002155

ACR 23-178 DC Access 20th Anniversary Recognition
Resolution of 2019.....002156 - 002157

ACR 23-179 Lutheran Church of the Reformation 150th Anniversary
Recognition Resolution of 2019002158 - 002159

ACR 23-180 Father John Adams Recognition Resolution of 2019002160

ACR 23-181 National Veterans Awareness Week Recognition
Resolution of 2019.....002161 - 002162

ACR 23-182 St. John’s College High School Girls’ Tennis Team
Ceremonial Recognition Resolution of 2019.....002163 - 002165

ACR 23-183 40th Anniversary of HumanitiesDC Ceremonial
Recognition Resolution of 2019002166 - 002167

ACR 23-184 Transgender Day of Remembrance Recognition
Resolution of 2019.....002168 - 002169

ACR 23-185 20th Anniversary of Maine Avenue Ministries
Ceremonial Recognition Resolution of 2019.....002170 - 002171

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

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Bill B23-667 and Proposed Resolutions PR23-697,
PR23-698, and PR23-700 through PR23-703002172 - 002173

COUNCIL HEARINGS

Notice of Public Hearings -

B23-487 Service Animal in Training Clarification
Amendment Act of 2019002174 - 002175

B23-0601 Condominium Warranty Amendment Act of 2020002176 - 002177

B23-0623 Condominium Warranty Claims Clarification
Amendment Act of 2020002176 - 002177

B23-0568 Home Purchase Assistance Amendment Act of 2019002176 - 002177

B23-0530 Rent Stabilization Affordability Qualification
Amendment Act of 2019002176 - 002177

B23-0643 Keeping Cool Elderly Tenants and Tenants
with a Disability Amendment Act of 2020002178 - 002179

B23-0237 Rent Concession Amendment Act of 2019.....002178 - 002179

Notice of Public Roundtable -

PR 23-696 Sense of the Council Opposing Implementation
of Public Charge Rule Resolution of 2020 002180

OTHER COUNCIL ACTIONS

Notice of Reprogramming Requests -

23-81 Request to reprogram \$5,304,702 in Local
Funds budget authority within the District of
Columbia Public Schools 002181

23-82 Request to reprogram \$5,000,000 in Capital
Funds budget authority and allotment from the
Department of Health Care Finance to the
Department of Corrections 002181

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Junction Bistro Bar & Bakery - ANC 6C - Summer Garden 002182

The Roost - ANC 6B - New 002183

Vin Sur Vingt - ANC 2F - New 002184

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Elections, Board of -
 Updated Notice of Public Hearing - Receipt and Intent to Review Initiative Measure - Sex Worker and Community Health and Safety Act of 2020002185 - 002190

Insurance, Securities and Banking, Department of -
 Notice of Public Hearing - Founders Bank Charter Application 002191

Zoning Adjustment, Board of - April 22, 2020 - Public Hearings
 20238 James Silk - ANC 6B 002192 - 002195
 20257 NCRC Erie Street LLC - ANC 8B 002192 - 002195
 20259 Federal Realty - ANC 3C 002192 - 002195
 20261 Ramon Argueta - ANC 4D 002192 - 002195
 20262 741 Morton LLC - ANC 1A 002192 - 002195

Zoning Commission - Cases -
 15-27B Carr Properties OC, LLC 002196 - 002199
 20-04 Office of Planning - Text Amendment to Subtitle K, Chapter 5 to the Use Requirements of the Capitol Gateway Zone 002200 - 002203

FINAL RULEMAKING

Health, Department of (DC Health) -
 Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 42 (Dentistry), Sec. 4206 (Continuing Education Requirements), to update the public health education requirements for dentists002204 - 002210

Health, Department of (DC Health) -
 Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 43 (Dental Hygiene), Sec. 4306 (Continuing Education Requirements) to update the public health education requirements for dental hygienists002211 - 002216

Health, Department of (DC Health) -
 Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 90 (Dental Assistants), Sec. 9004 (Scope of Practice) and Sec. 9007 (Continuing Education Requirements), to update the public health education requirements for dental assistants002217 - 002221

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Human Services, Department of -
Amend 29 DCMR (Public Welfare),
Ch. 72 (Standards of Assistance and Payment Levels),
Sec. 7200 (Standards of Assistance and Payment Levels), and
Ch. 58 (Temporary Assistance for Needy Families),
Sec. 5814 (Income Disregards), to modify the District of
Columbia’s public assistance payment levels for District
of Columbia residents who have been participating in the
TANF program, General Assistance for Children, IDA,
and POWER public benefit programs.....002222 - 002224

Tax and Revenue, Office of -
Amend 9 DCMR (Taxation and Assessments),
Ch. 3 (Real Property Taxes),
Section 311 (Notice to Taxpayers), to require electronic
filing of assessment appeals by tax representatives to
streamline the assessment appeal process and case tracking002225

Transportation, District Department of -
Amend 18 DCMR (Vehicles and Traffic),
Ch. 22 (Moving Violations),
Sec. 2220 (Restricted Lanes),
Ch. 24 (Stopping, Standing, Parking, and Other
Non-Moving Violations),
Sec. 2405 (Stopping, Standing, or Parking Prohibited:
No Sign Required), to improve bicycle and passenger
safety and further pursue the District’s Vision Zero goal
for transportation safety002226 - 002230

PROPOSED RULEMAKING

Public Service Commission - Formal Case No. 1130, RM-09-2020-02,
RM-13-2020-01, RM-29-2020-01, RM-36-2020-01, RM-40-2020-01,
RM-41-2020-01, RM-42-2020-01, and RM-44-2020-01,
Amend 15 DCMR (Public Utilities and Cable Television),
Ch. 9 (Net Energy Metering),
Ch. 13 (Rules Implementing the Public Utilities
Reimbursement Fee Act of 1980),
Ch. 29 (Renewable Energy Portfolio Standard),
Ch. 36 (Electricity Quality of Service Standards),
Ch. 40 (District of Columbia Small Generator Interconnection Rules),
Ch. 41 (The District of Columbia Standard Offer Service Rules),
Ch. 42 (Fuel Mix and Emissions Disclosure Reports), and
Ch. 44 (Submetering and Energy Allocation),
to clearly define “Advanced inverters” and “Non-wires alternative”
in the several rules in which the terms appear.....002231 - 002233

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY RULEMAKING

Human Services, Department of - Amend 29 DCMR (Public Welfare), to add Ch. 79 (Flexible Rent Subsidy Pilot Program), Sections 7900 - 7910, and Sec. 7999 (Definitions), to establish standards for administering the District's Flexible Rent Subsidy Pilot Program; Seventh Emergency Rulemaking identical to the emergency and proposed rules published on April 27, 2018 at 65 DCR 4663 to allow more time to incorporate comments into final rulemaking; Expires on April 13, 2020.....002234 - 002251

EMERGENCY AND PROPOSED RULEMAKING

Behavioral Health, Department of - Amend 22 DCMR (Health), Subtitle A (Mental Health), to repeal and replace Ch. 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers), Sections 6300 – 6350 and Sec. 6399 (Definitions), to improve quality of care, accountability, and efficiency substance use disorder treatment and recovery providers; Fourth Emergency and Proposed Rulemaking to revise the existing Chapter 63 from Third Emergency Rulemaking published on December 27, 2019 at 66 DCR 16593, to align the regulatory efforts with the District's transformation efforts under the demonstration program002252 - 002345

NOTICES, OPINIONS, AND ORDERS

MAYOR'S ORDERS

- 2020-025 Appointment – Commission on African-American Affairs (Salim Adofo)..... 002346
2020-026 Appointment – Maternal Mortality Review Committee (Nancy Gaba)..... 002347
2020-027 Appointments – Advisory Committee on Street Harassment (Noor Mir and Esther Ford)..... 002348
2020-028 Appointment – Science Advisory Board (Lakeisha McClary)..... 002349
2020-029 Reappointments and Appointments – Commission on Persons with Disabilities (9 members)002350 - 002351
2020-030 Designation – Special Event Areas for Mayor Muriel Bowser's #FITDC HerStory 5K Run/Walk002352 - 002353

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

2020-031 Reappointments and Appointment – Board of
Audiology and Speech-Language Pathology
(Kristin Spivey and Robert Traina) 002354

2020-032 Appointment – Child Fatality Review Committee
(Jacqueline Smith) 002355

2020-033 Reappointment and Appointments – Healthy Youth
and Schools Commission (Jeff Travers, Raven Carter,
and Kafui Doe) 002356

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

Alcoholic Beverage Regulation Administration -
Notice of the Reimbursement Percentage for the
MPD Reimbursable Detail Program 002357

Arts and Humanities, DC Commission on the -
Notice of Funding Availability - FY 2020 MuralsDC Program 002358

Asian and Pacific Islander Affairs, Office on -
Commission on Asian and Pacific Islander
Affairs Meeting - February 19, 2020 (Meeting Agenda) 002359

Behavioral Health, Department of -
Notice of Funding Availability - DC Opioid Response (DCOR)
Prevention Grant for Ward 3 - (RFA No. DCOR 022820) 002360 - 002361

Consumer and Regulatory Affairs, Department of -
Notice of Substantial Undue Economic Hardship
Determination - 741 Nicholson Street, NE 002362

Notice of Vacant Building Enforcement Correction -
Fairland Avenue, SE - Tax Years 2008 and 2009 002363

Elections, Board of -
Notice of Publication - Entheogenic
Plant and Fungus Policy Act of 2020 002364 - 002366

Energy and Environment, Department of -
Notice of Funding Availability -
Sustainable DC 2.0 Community Actions 002367

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Friendship Public Charter School -
 Request for Proposals - Exterior and Interior Wayfinding
 Sign Design, Planning, Fabrication and Installation 002368

Planning and Economic Development, Office of the Deputy Mayor for -
 Public Meeting - Walter Reed Army Medical Center
 Community Advisory Committee - March 2, 2020 002369

Rental Housing Commission, DC -
 2020 Resolution for The Change in the Regional Consumer
 Workers (CPI-W), for All Items - The Social Security
 Cost-of-Living Adjustment; The Maximum Annual Tent
 Increase for Elderly Tenants with A Disability; and The
 Qualifying Income for Exemption from Certain Rent
 Increase - Effective May 1, 2020 002370 - 002375

Secretary, Office of the -
 Recommendations for Appointments as
 DC Notaries Public - Effective March 15, 2020 002376 - 002383

Sentencing Commission, DC -
 Notice of Public Meeting - February 18, 2020..... 002384

University of the District of Columbia -
 Notice of Regular Meeting of the Board of Trustees - March 3, 2020 002385

Youth Rehabilitation Services, Department of -
 Notice of Funding Availability -
 Family Engagement Grant Program..... 002386

Zoning Adjustment, Board of - Cases -
 19557A Government of the Commonwealth of Australia -
 ANC 2B - Notice of Proposed Rulemaking..... 002387
 19823 Wisconsin Avenue Baptist Church - ANC 3E - Order 002388 - 002420
 19918 Solo Entertainment LLC - ANC 4C - Order 002421 - 002432
 20188 609 Upshur LLC - ANC 4C - Order 002433 - 002435
 20199 Robert William Pilkington & Peling Li - ANC 6C - Order 002436 - 002438

Zoning Commission - Cases -
 16-13F JS Congress Holdings, LLC - Order 002439 - 002443
 18-20 Forest City SEFC, LLC, on Behalf of
 the United States General Services
 Administration - Order..... 002444 - 002468

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 19, 2020

To designate go-go music as the official music of the District of Columbia, and to require the Mayor to create a plan to support, preserve, and archive go-go music and its history; and to amend Title 47 of the District of Columbia Official Code to repeal a curfew on youth in dance halls and balls.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Go-Go Official Music of the District of Columbia Designation Act of 2020”.

Sec. 2. (a) Go-go music originated in the District of Columbia during the mid-1960s to late 1970s.

(b) Initially, “go-go” was a term used to identify a music club where young people gathered and where, between songs, the percussion section of the band would continue to play while the band leader engaged the audience through melodic call-and-response sessions.

(c) Go-go is a fusion of musical forms, drawing inspiration from funk, blues, soul, and salsa, and blending them seamlessly, with its syncopated polyrhythms and multiple percussion instruments.

(d) During the 1980s, the Department of Parks and Recreation “Munch for Lunch” program used its Showmobile, a stage on wheels, to provide free go-go concerts in various locations several times a week for lunchtime crowds to enjoy.

(e) The 1987 hit “Da Butt” by Chuck Brown and the group Experience Unlimited, also known as E.U., was performed for the soundtrack for Spike Lee’s film School Daze, giving Go-Go a national stage.

(f) Many local residents who went on to join groups such as Rare Essence, Trouble Funk, Junkyard Band, Backyard Band, TCB, TOB, and Chuck Brown and the Soul Searchers, gained their musical experience in District public-school marching bands.

(g) Chuck Brown has been repeatedly and officially honored as the “Godfather of Go-Go.”

(h) Go-go music encapsulates the range of personal experiences in local communities around the District and expresses them in a unifying force.

(i) Go-go music is a multifaceted art form that fully captures the cultural and artistic expressions of the District.

ENROLLED ORIGINAL


(j) Go-go music is hereby designated the official music of the District of Columbia.

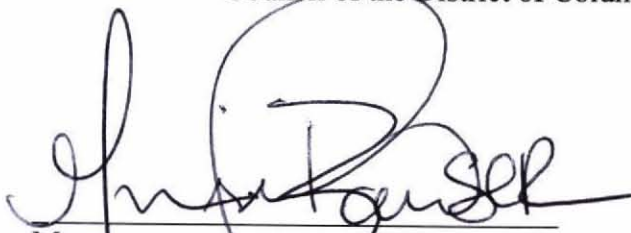
Sec. 3. No later than 240 days after the effective date of this act, the Mayor shall create and submit to the Council a plan to support, preserve, and archive go-go music and its history, including the responsibilities of various District agencies such as the Archives, the Office of Cable Television, Film, and Music Entertainment, and the District of Columbia Public Library.

Sec. 4. Section 47-2820 of the District of Columbia Official Code is amended as follows:
(a) Subsection (c) is repealed.
(b) Subsection (d) is repealed.

Sec. 5. Fiscal impact statement.
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
February 19, 2020

ENROLLED ORIGINAL

A RESOLUTION

23-316

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the reappointment of Dr. Esther Barazzone to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Trustees of the University of the District of Columbia Esther Barazzone Confirmation Resolution of 2020”.

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

Dr. Esther Barazzone
Albemarle Street, N.W.
Washington, D.C. 20008
(Ward 3)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), for a term to end May 15, 2024.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the appointment of Mr. Jerome Shelton to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Trustees of the University of the District of Columbia Jerome Shelton Confirmation Resolution of 2020”.

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

Mr. Jerome Shelton
North Capitol Street, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), for a term to end May 15, 2024.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the reappointment of Ms. Alma Gates to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities Alma Gates Confirmation Resolution of 2020”.

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

Ms. Alma Gates
Ashby Street, N.W.
Washington, D.C. 20007
(Ward 3)

as a member with specific interest, ability, or experience in public art of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2022.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-319

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the reappointment of Ms. Rhona Friedman to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2020".

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

Ms. Rhona Friedman
Tracy Place, N.W.
Washington, D.C. 20008
(Ward 2)

as a member with specific interest, ability, or experience in theatre and performing arts of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2022.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the reappointment of Mr. José Alberto Uclés to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities José Alberto Uclés Confirmation Resolution of 2020”.

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

Mr. José Alberto Uclés
T Street, N.W.
Washington, D.C. 20001
(Ward 5)

as a member with specific interest, ability, or experience in theatre and performing arts of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2022.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the reappointment of Ms. Mary Ann Miller to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities Mary Ann Miller Confirmation Resolution of 2020”.

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

Ms. Mary Ann Miller
Veazey Terrace, N.W.
Washington, D.C. 20008
(Ward 3)

as a member with specific interest, ability, or experience in arts or humanities education of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2022.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the reappointment of Ms. Cicie Sattarnilasskorn to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities Cicie Sattarnilasskorn Confirmation Resolution of 2020”.

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

Ms. Cicie Sattarnilasskorn
14th Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member with specific interest, ability, or experience in arts or humanities education of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2022.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the appointment of Dr. Natalie Hopkinson to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities Natalie Hopkinson Confirmation Resolution of 2020”.

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

Dr. Natalie Hopkinson
Randolph Place, N.W.
Washington, D.C. 20001
(Ward 5)

as a member with specific interest, ability, or experience in the humanities of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2021.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 21, 2020

To confirm the appointment of Ms. Cora Masters Barry to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on the Arts and Humanities Cora Masters Barry Confirmation Resolution of 2020”.

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

Ms. Cora Masters Barry
Raleigh Street, S.E.
Washington, D.C. 20032
(Ward 8)

as a member with specific interest, ability, or experience in the humanities of the Commission on the Arts and Humanities, established by 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), for a term to end June 30, 2021.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To confirm the reappointment Mr. Otto Condon to the District of Columbia Commemorative Works Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2020”.

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

Mr. Otto Condon
12th Place, N.W.
Washington, D.C. 20009
(Ward 1)

as a citizen member of the District of Columbia Commemorative Works Committee, established by section 412 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001 (D.C. Law 13-275; D.C. Official Code § 9-204.12), for a term to end July 22, 2022.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To reappoint Mr. Michael J. Warren to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Retirement Board Michael J. Warren Reappointment Resolution of 2020”.

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

Mr. Michael J. Warren
35th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Official Code § 1-711), for a 4-year term to end on January 27, 2023.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

A RESOLUTION

23-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To reappoint Mr. Joseph M. Bress to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Retirement Board Joseph M. Bress Reappointment Resolution of 2020”.

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

Mr. Joseph M. Bress
Harrison Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a member of the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Official Code § 1-711), for a 4-year term to end January 27, 2024.

Sec. 3. Transmittal.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

A RESOLUTION

23-341

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To approve Contract No. GF-2020-C-0008 between the University of the District of Columbia and Jaggaer, LLC to install and implement an E-Procurement technology software system.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “University of the District of Columbia Contract No. GF-2020-C-0008 Approval Resolution of 2020”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-204.51(c)(3)), the Council approves Contract No. GF-2020-C-0008 with Jaggaer, LLC to install and implement an E-Procurement technology software system that is designated as compatible with the operational parameters of the SunGard/Banner student information system currently implemented at the University, and authorizes payment in the not-to-exceed amount of \$2,465,041 for a performance period of 7 years.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the President and the Board of Trustees of the University of the District of Columbia.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

23-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2020

To declare the sense of the Council that the District is committed to equitable funding for all its public schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Urging Fair and Equitable Funding for District of Columbia Schools Resolution of 2020”.

Sec. 2. The Council finds that:

(1) Funding for District public schools, both DCPS and public charter schools, has not kept up with inflation, and, looking back 6 years, the system is currently underfunded by approximately \$60 million.

(2) We continue to see individual DCPS school budgets decrease, even when their student enrollment has remained steady or decreased minimally.

(3) Budget cuts are destabilizing for students; often, teachers are let go and programs are reshuffled.

(4) In Fiscal Year 2020, 31 school budgets saw a decrease. Twenty-six of those schools are located in Wards 7 and 8, highlighting a funding disparity of significant concern.

(5) Neighborhoods in Wards 7 and 8 have the highest numbers of at-risk students; and over the past 5 years, the number of at-risk students in DCPS in both these wards has increased, while the number of at-risk students elsewhere in the city has decreased.

(6) Schools in Wards 7 and 8 have lower shares of high-performing schools than other wards.

(7) Inadequately funding the education of at-risk students, coupled with reducing individual DCPS school budgets, contributes to declining enrollments in individual schools, leading to further student exodus and funding cuts and a cycle destructive to establishing quality schools.

ENROLLED ORIGINAL

Sec. 3. It is the sense of the Council that:

- (1) Schools should be funded at a level appropriate to their students' needs;
- (2) Budgeting for schools for Fiscal Year 2021 should begin with the previous fiscal year's funding level, not less; and
- (3) The uniform per student funding formula for Fiscal Year 2021 should increase by at least 4%, and there should be additional funding for other school-related programming that addresses mental health, social emotional supports, attendance, literacy, and birth-to-three programming to improve academic success.

Sec. 4. Transmittal.

The Council shall transmit copies of this resolution to the Mayor, Chancellor of the District of Columbia Public Schools, State Superintendent of Education and the District of Columbia State Board of Education.

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize Zahir Muhammad, the 2019 winner and defending champion of the District of Columbia Scholastic Cup Chess Tournament.

WHEREAS, Zahir Muhammad is a Ward 7 resident and a senior at DeMatha Catholic High School where he takes honors classes, studies both Mandarin Chinese and Spanish, and recently returned from playing chess and completing a language study in Beijing, China;

WHEREAS, Zahir Muhammad is the highest-ranked scholastic chess player in Washington, D.C., and a nationally ranked chess player who has been playing since the age of 3;

WHEREAS, Zahir Muhammad was first taught to play chess by his father and went on to be trained by many chess instructors, including Grand Master Julio Becerra, International Master Oladapo Adu, National Master Gregory Achonolu, National Master Mark Berniacki, National Master David Bennett, Quito Swan and Robin Ramson;

WHEREAS, Zahir Muhammad was a top-10 finisher at the K-12 National Championships in 2017 and the 2018 Mid Atlantic Scholastic Chess Champion, and the back to back Washington, D.C. City Champion;

WHEREAS, Zahir Muhammad, now a Class A player, defended his title to become the 2019 winner of the District of Columbia Scholastic Cup Chess Tournament, again qualifying for the annual Denker High School Tournament of Champions;

WHEREAS, Zahir Muhammad was invited to the National Castle Chess Camp in Atlanta, Georgia, where he won the Castle Chess Grand Prix for the "Blue - 1800 Level Group" and defeated both Grand Master Julio Becerra based on time-out, and National Master Mark Berniacki;

WHEREAS, Zahir Muhammad taught students in China how to play chess in Chinese and played a Chinese Chess club, winning 7 out of 8 training games;

ENROLLED ORIGINAL

WHEREAS, Zahir Muhammad is active in other activities such as AAU basketball, track and field, the Marion Barry Youth Leadership Institute and the Boys and Girls Club of Greater Washington;

WHEREAS, Zahir Muhammad serves as the coach for the Howard University Chess Team;

WHEREAS, Zahir Muhammad established an organization, Full Circle Chess, to bring chess to the underserved communities and change the perception of chess to help it become a more inclusive activity; and

WHEREAS, Zahir Muhammad seeks to be an example to help bring other black and brown children closer to the game of chess and the learning experience that chess affords.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Zahir Muhammad Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Zahir Muhammad for becoming a consecutive winner of the District of Columbia Scholastic Cup Chess Tournament and a repeat qualifier for the Denker High School Tournament of 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.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize St. Timothy’s Episcopal Church on the occasion of its 75th anniversary.

WHEREAS, St. Timothy’s Episcopal Church is located in the Hillcrest neighborhood of Ward 7;

WHEREAS, St. Timothy’s Episcopal Church has been an integral and viable part of Southeast Washington, D.C. and surrounding communities since the first service was conducted in September 1944;

WHEREAS, St. Timothy’s Episcopal Church has ministered to people from the beginning of their lives through their Child Development Center all the way to the twilight of life through St. Timothy’s Elderly Program, with several ministries and programs serving everyone in between;

WHEREAS, St. Timothy’s Episcopal Church has shown its commitment and dedication to building meaningful relationships with one another and members of the community and held to a steadfast tradition of helping to serve the spiritual, educational, and social needs of the community; and

WHEREAS, St. Timothy’s Episcopal Church will observe its anniversary milestone by hosting a 75th Anniversary Gala on Saturday, October 5, 2019 under the theme of Continuing Our Pilgrimage to the 1st Century, and a Family Eucharist and 75th Anniversary Family Reception on Sunday, October 6, 2019.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “St. Timothy’s Episcopal Church 75th Anniversary Recognition Resolution of 2019”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and congratulates St. Timothy's Episcopal Church on the occasion of its 75th anniversary.

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

23-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize the African American Music Association, Inc. and its partners on the occasion of the first annual Celebration of Seniors Day.

WHEREAS, the African American Music Association, Inc. was established to preserve, protect, and promote, and to foster the continued development of African American music and the legacy of those who compose, record, and perform the music;

WHEREAS, the African American Music Association, Inc. has a primary goal of offering programs and activities to the community that will assure a better quality of life for persons pursuing performing arts as a career and an overall goal of cultivating the total well-being of the artist through human and personal development; and

WHEREAS, the African American Music Association, Inc. partnered with The Creative Arts Community Prevention Network and the Stoddert Terrace Community Center to host the first annual Celebration of Seniors Day at the Stoddert Terrace Community Center in Ward 7 on August 23, 2019 in an event that included “Jazz for Seniors,” a musical performance by vocalist Saleem Hylton and his four-piece band, along with personal reflections from the senior residents of Ward 7 and surrounding communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “African American Music Association, Inc. Celebration of Seniors Day Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates the African American Music Association, Inc. and its partners on the occasion of the first annual Celebration of Seniors 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

23-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize James N. Short, Jr. on the occasion of his 73rd birthday.

WHEREAS, James N. Short, Jr. is a native Washingtonian born to James N. Short, Sr. and Ollie W. Short and is a lifelong resident of Ward 7;

WHEREAS, James N. Short, Jr. was educated in the D.C. Public Schools and graduated from Eastern High School;

WHEREAS, James N. Short, Jr. served the District of Columbia with distinction for 33 years in D.C. Fire and Emergency Medical Services Department, including over 12 years with the Fire Marshall's Office, and rose to become the Deputy Fire Chief;

WHEREAS, James N. Short, Jr. continues to serve the District of Columbia as a member of the Alcoholic Beverage Control Board; and

WHEREAS, James N. Short, Jr. has been a persistent leader in Ward 7, having served on the Board of Directors of the Marshall Heights Community Development Organization, including serving as the Chairman of the Board, and as a member of the Hillcrest Community Civic Association.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "James N. Short, Jr. 73rd Birthday Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes and celebrates James Short on his 73rd birthday.

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

23-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize Bernice Elizabeth Thornton on the occasion of her 90th birthday.

WHEREAS, Bernice Elizabeth Thornton is a native Washingtonian born September 9, 1929 as the twelfth of thirteen children to the late Benjamin and Johanna Thornton;

WHEREAS, Bernice Elizabeth Thornton was raised in the Catholic Church and was baptized at Holy Redeemer Catholic Church;

WHEREAS, Bernice Elizabeth Thornton attended the District of Columbia Public Schools and Cardozo High School;

WHEREAS, Bernice Elizabeth Thornton moved to the Deanwood neighborhood in the early 1950s and has lived in the Far North East section of Deanwood and Marshall Heights for over 65 years;

WHEREAS, Bernice Elizabeth Thornton furthered her education at the District of Columbia’s Opportunities Industrialization Center (OIC) Training Program where she received workforce development training that was instrumental in launching her federal government career;

WHEREAS, Bernice Elizabeth Thornton, at the age of 50 years old obtained employment at the U.S Department of the Navy headquarters working for the U.S. Marine Corps at Henderson Hall in Arlington, Virginia where she worked hard and diligently providing support to the men and women of the armed services;

WHEREAS, Bernice Elizabeth Thornton retired in 2000 after 20 years with the U.S. Marine Corps; and

ENROLLED ORIGINAL

WHEREAS, Bernice Elizabeth Thornton, known as Ma, Grand Ma, Great Grand Ma, Great Great Grand Ma, Aunt Bernice, Nicey and Ms. Thornon, is the parent to six children, matriarch of her family and loved by those in the East Capitol community in which she continues to live and calls home.

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Bernice Elizabeth Thornton 90th Birthday Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and celebrates Bernice Elizabeth Thornton on her 90th Birthday.

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

23-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize Tom Lewis on the occasion of his 80th birthday.

WHEREAS, Tom Lewis was born in 1939 in Chadbourn, North Carolina as the 6th of 15 children of the late Martha and Gaston Lewis and raised in poverty in Elizabethtown, North Carolina;

WHEREAS, Tom Lewis dropped out of high school in 9th grade and began working as a migrant farmhand on the Eastern Seaboard;

WHEREAS, Tom Lewis was drafted in 1961 to serve in the U.S. Army where he was able to earn his General Education Diploma;

WHEREAS, Tom Lewis, upon his discharge from the U.S. Army in 1963, worked odd jobs in New York City while providing support to his family back home;

WHEREAS, Tom Lewis joined the Washington, D.C. Metropolitan Police Department in 1965 and served as a police officer for more than 20 years, witnessing the riots following the assassination of Dr. Martin Luther King, Jr. and seeing the District repeatedly succumb to crime and violence;

WHEREAS, Tom Lewis went from classroom to classroom teaching students how to become upstanding citizens as part of the D.C. Metropolitan Police Department's Officer Friendly program, seeing firsthand the needs of the city's youth whose mothers were addicts and fathers were absent or incarcerated;

WHEREAS, Tom Lewis earned his bachelor's degree in administration of justice from American University in 1975 after six years of working days, attending school at night, and raising 3 children with his wife;

ENROLLED ORIGINAL

WHEREAS, Tom Lewis became a licensed social worker and an ordained Baptist minister in 1984;

WHEREAS, Tom Lewis in 1990, a few years after his retirement from the D.C. Metropolitan Police Department, renovated a former crack house on what was once deemed “the worst street in America” and transformed it into The Fishing School;

WHEREAS, Tom Lewis was inspired to name the organization The Fishing School by the adage that states “If you give a man a fish, you will feed him for a day; teach him how to fish, and he will feed himself for a lifetime”;

WHEREAS, Tom Lewis recognized that education can unlock the door to knowledge and opportunity and break the cycle of poverty, and started the work of The Fishing School by providing after-school tutoring and life skills training for 5 students from the Wylie Street, Northeast community;

WHEREAS, The Fishing School has served nearly 7,000 students and families in marginalized communities since its humble beginnings in 1990, and today continues both Mr. Lewis’ legacy and its mission to offer every child a brighter future;

WHEREAS, Tom Lewis remained actively involved in The Fishing School as a member of its Board of Directors until his September 22, 2017 retirement from the Board; and

WHEREAS, Tom Lewis celebrates his 80th birthday on August 7, 2019 and will be honored Saturday, September 28, 2019 at The Fishing School’s Third Annual Celebration of Service, which will include the Barbeque, Boots, and Blue Jeans 80th Birthday Bash and the 10th Anniversary of the *Extreme Makeover: Home Edition* Build.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tom Lewis 80th Birthday Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia celebrates Tom Lewis on his 80th birthday and recognizes his years as a public servant, his founding of The Fishing School and his service on The Fishing School’s Board of Directors.

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

23-162

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize the Washington Blade and its commitment to quality journalism for the citizens of the District of Columbia and for all Americans on the occasion of its 50th anniversary.

WHEREAS, the Washington Blade is committed to the standards of ethical, quality journalism for all District residents and for all Americans;

WHEREAS, the Washington Blade was founded in 1969 as a black and white, one-sheet community newsletter distributed in D.C.-area bars;

WHEREAS, the Washington Blade has maintained an office and strong presence in the District of Columbia for 50 years, serves more than 250,000 readers as one of the largest media outlets focused on LGBTQ issues in the world, and continues to be a strong corporate citizen on behalf of LGBTQ Washingtonians;

WHEREAS, the Washington Blade became the first LGBTQ publication to have a correspondent, Lou Chibbaro, Jr., as a credentialed member of the White House press corps;

WHEREAS, the Washington Blade has an unparalleled 50-year award-winning track record of advocating on behalf of LGBTQ people in the District of Columbia, across the United States, and around the world;

WHEREAS, the Washington Blade's commitment to serve the D.C.-area lesbian, gay, bisexual, transgender, and queer community through the finding and recording of the most important news of the LGBTQ community in the District of Columbia has earned it the moniker of "the newspaper of record for the LGBTQ community".

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Washington Blade 50th Anniversary Recognition Resolution of 2019.”

Sec. 2. The Council of the District of Columbia recognizes the Washington Blade for its exceptional and continuous contributions to the District of Columbia and its commitment to quality journalism for citizens of the District of Columbia and all Americans, and thereby declares Oct. 18, 2019, as “Washington Blade Day” 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

23-163

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize the contributions of A. Janelle Goetcheus, M.D. to the District of Columbia.

WHEREAS, on April 26, 2019, A. Janelle Goetcheus, M.D. announced her impending departure from the role of Chief Medical Officer and Executive Vice President for Medical Affairs at Unity Health Care, a position she had held for 34 years;

WHEREAS, Dr. Goetcheus moved to the District of Columbia in 1976 and shortly thereafter, in 1979, founded Columbia Road Health Services, a medical clinic dedicated to serving people in D.C. who were poor or refugees;

WHEREAS, in 1985, Dr. Goetcheus founded Christ House, a temporary residential care facility for homeless men and women, the first of its kind in the nation, and in 1992, she founded Kairos House, a permanent housing program for former Christ House patients;

WHEREAS, also in 1985, Dr. Goetcheus co-founded the Health Care for the Homeless Project to provide primary health care services to homeless individuals and families that resided in local emergency shelters or on the streets of the District of Columbia;

WHEREAS, Dr. Goetcheus continued to serve in a leadership role at the Health Care for the Homeless Project including after its transformation into Unity Health Care in 1997 and its expansion to now include over 20 traditional and non-traditional health care sites in the District of Columbia;

WHEREAS, Dr. Goetcheus helped to create the D.C. Health Care Alliance, the locally-funded medical insurance program for residents who are low-income and not eligible for Medicaid or Medicare;

ENROLLED ORIGINAL

WHEREAS, Dr. Goetcheus has received numerous accolades including being named Doctor of the Year in 1991 by the American Academy of Family Physicians, inducted into the District of Columbia Hall of Fame in 1989, named Washingtonian of the Year in 1995 by Washingtonian Magazine, awarded the Pride in Profession Award in 2002 by the American Medical Association, and awarded the Philip W. Brickner National Leadership Award in 2017 by the National Health Care for the Homeless Council, which honored her for significantly strengthening services to address the health of people without homes, characterized by her commitment to social justice, compassion, humility, collaboration, innovation, intellect and persistence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “A. Janelle Goetcheus, M.D. Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes A. Janelle Goetcheus, M.D. for contributing 34 years of service to the people of the District of Columbia as Chief Medical Officer of Unity Health Care and the Health Care for the Homeless Project.

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

23-164

COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To recognize and honor the American Foundation for Suicide Prevention on the occasion of their 13th Annual Out of the Darkness Walk, which raises awareness about suicide prevention as a national, state, and local public health issue and responsibility.

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 15 to 34;

WHEREAS, according to the Centers for Disease Control, in the United States, one person completes suicide every 11.89 minutes, resulting in over 44,000 suicides each year;

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade with over 1.4 million suicide attempts each year;

WHEREAS, in 2017, the Centers for Disease Control reported that the District of Columbia experienced 47 suicides;

WHEREAS, in 2017, the Youth Risk Behavior Survey reported that 15.2% of male high school students, and 15.7% of female high school students in the District of Columbia had made a suicide attempt;

WHEREAS, for every reported suicide there are an estimated 12 suicide attempts and many suicide attempts go unreported or untreated;

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated;

WHEREAS, suicide results in an estimated \$70 billion in combined medical and work-loss costs nationally, and an estimated \$53 million in combined medical and work-loss costs in the District annually, or an average of \$1.3 million per suicide death;

WHEREAS, the stigma associated with mental health conditions and suicidality

ENROLLED ORIGINAL

remains a powerful negative attribute, which discourages persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and survivors of suicide attempts;

WHEREAS, The American Foundation for Suicide Prevention envisions a world without suicide, and is dedicated to saving lives and bringing hope to those affected by suicide through research, education, advocacy and resources for those who have lost a loved one or struggled with suicidal ideation;

WHEREAS, The American Foundation for Suicide Prevention recognizes suicide as a preventable national and city public health problem and declares suicide prevention to be a priority;

WHEREAS, The American Foundation for Suicide Prevention acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

WHEREAS, The American Foundation for Suicide Prevention encourages initiatives based on the goals contained in the National Strategy for Suicide Prevention;

WHEREAS, The American Foundation for Suicide Prevention promotes awareness that there is no single cause for suicide, and that suicide most often occurs when stressors exceed current coping abilities of someone suffering from a mental health condition;

WHEREAS, The American Foundation for Suicide Prevention develops and implements strategies to increase access to quality mental health, substance abuse, and suicide prevention services; and

WHEREAS, The American Foundation for Suicide Prevention organizes the Annual Out of the Darkness Walk to raise awareness about the need for stronger research and data collection to better understand suicide and ways to prevent it; for educational programs about prevention, warning signs, and the mental health conditions and other risk factors that can lead to suicide; and for resources and support for persons affected by suicide.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “The American Foundation for Suicide Prevention 13th Annual Out of the Darkness Walk Ceremonial Recognition Resolution of 2019”.

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Sec. 2. The Council recognizes and honors The American Foundation for Suicide Prevention and the 13th Annual Out of Darkness Walk for its contributions to the health and well-being of individuals living 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

23-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 17, 2019

To officially recognize National Co-op Month; to raise awareness about the importance of limited-equity cooperatives and the many benefits they bring to their members, the surrounding communities, and the District of Columbia; to encourage the preservation of existing limited-equity cooperatives and the creation of new limited-equity cooperatives in the District; and to establish the limited-equity cooperative housing model as a useful and vital tool in the greater effort to increase the stock of affordable housing in the District of Columbia.

WHEREAS, a limited-equity cooperative (LEC) is an affordable housing model whereby low- and moderate-income residents are able to purchase housing shares at below market prices, thereby making home ownership possible to many more families;

WHEREAS, the resale price of membership shares is limited in an LEC in order to keep the housing affordable for future low- and moderate-income residents;

WHEREAS, LECs are uniquely local organizations that bring a wide variety of social, cultural, and economic benefits, resources, and services to its members and the surrounding communities, and can be of particular use in alleviating the housing affordability crisis found in major urban areas of our country;

WHEREAS, the existence of the cooperative model dates back to the Industrial Revolution as an effective means for individuals and families with limited resources to unite and fulfill the needs of the larger group;

WHEREAS, in the 1950s the United States Congress established section 213 of the National Housing Act (12 U.S.C. 1715e), which enabled nonprofit cooperative housing corporations and trusts to foster the development of housing communities to be operated as cooperatives;

WHEREAS, National Co-op Month has been a nationally observed celebration since 1964, when former U.S. Secretary of Agriculture Orville Freeman proclaimed October as

ENROLLED ORIGINAL

“National Co-op Month”, with the theme for the 2019 annual observance being “Co-ops: By the Community, For the Community”;

WHEREAS, the Council of the District of Columbia established the Limited Equity Cooperative Task Force to provide comprehensive policy recommendations on how the District can assist in the formation of new limited-equity cooperatives and to help currently struggling LECs improve their organizational structures and financial situations to achieve financial stability;

WHEREAS, LECs require assistance from a government agency or nonprofit organization in the establishment and management of a continually successful LEC;

WHEREAS, the Limited-Equity Cooperative Task Force has found that the existence of limited equity cooperatives will help alleviate the housing affordability crisis and that the government of the District of Columbia should support efforts to better train and engage owners;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “The National Co-op Recognition Resolution of 2019”.

The Council of the District of Columbia officially recognizes and celebrates National Co-op Month and acknowledges that the cooperative business model, particularly the limited-equity cooperative housing model, builds stronger communities and can be used to effectively combat the housing affordability crisis in the District of Columbia.

Sec. 2. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-166

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To recognize The Aged Woman's Home of Georgetown on the occasion of its 150th Anniversary.

WHEREAS, The Aged Woman's Home of Georgetown, an independent living facility for senior women of limited economic means in Georgetown, Washington, D.C., originally opened its doors in February of 1868 for the purpose of housing Civil War widows and orphans;

WHEREAS, The Aged Woman's Home of Georgetown was purchased from Adelaide Lutz for the purpose of housing women in need in the District of Columbia;

WHEREAS, The Aged Woman's Home of Georgetown, designated as a historic home in 1970 by the Historians and U.S.A. Bicentennial Committee-District of Columbia DAR, was originally the Home of John Lutz, Sergeant of George Washington's Guard at Valley Forge from 1804 to 1841;

WHEREAS, The Aged Woman's Home of Georgetown has provided secure and stable housing at no charge to independent senior women continuing to this day, 150 years later for all the years of its operation, in this convenient, comfortable and attractive building, 11 women at a time;

WHEREAS, The Aged Woman's Home of Georgetown is dedicated to providing enriching and enjoyable activities for its residents (Guests); and

WHEREAS, The Aged Woman's Home of Georgetown serves as a haven for its Guests and provides a nurturing community environment for independent senior women of where they can live with dignity despite experiencing economic hardship in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Aged Woman's Home of Georgetown's 150th Anniversary Recognition Resolution of 2019".

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Sec. 2. The Council of the District of Columbia commends The Aged Woman’s Home of Georgetown, its Guests, staff, and Board—and sends warm regards and wishes for many more years of continued commitment and declares October 20th as “The Aged Woman’s Home of Georgetown” day 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

23-167

COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To celebrate the 50th anniversary of the the Davis Center and to celebrate Beatrice Davis-Williams for her hard work in the dance community.

WHEREAS, the Davis Center is a dance studio that was founded in 1969 by Beatrice E. Davis-Williams who continues to serve as Artistic Director;

WHEREAS, Beatrice E. Davis-Williams envisioned an invaluable institution that consistently succeeds at giving young people in the District of Columbia easy access to dance and related arts;

WHEREAS, Beatrice E. Davis-Williams has served as a member of the dance faculty at Howard University, as a commissioner on the D.C. Commission for the Arts and Humanities, a dance therapist at Oak Hill Youth Detention Center, a board member of both Erika Thimey Dance & Theater, Inc. and Sutradhar Dance Institute and is a Fellow in the prestigious Cecchetti Council of America;

WHEREAS, Beatrice E. Davis-Williams has been recognized for her contributions to Washington, D.C. by the Greater Washington Urban League's Whitney M. Young, Jr. Community Service Award in 2001 and the Howard University Institute of Urban Affairs and Research International Women's Year;

WHEREAS, over the past half century the Davis Center has trained thousands of young people in ballet, tap, modern, hip-hop and other dance forms through a process that requires consistent attendance, proper dance attire, and a firm commitment to learning;

WHEREAS, in addition to providing its students with a strong foundation in dance and the performing arts, the Davis Center also teaches its students the importance of caring for others through ongoing community service projects such as collecting and distributing food, clothing, money, toys, and school supplies to needy children and their families as well as dancing at senior citizen centers, hospitals, churches, schools, and community centers across the Washington, D.C. area;

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WHEREAS, the Davis Center holds a biennial dance recital, which in past years was held at Howard University’s Cramton Auditorium and the University of District of Columbia auditoriums;

WHEREAS, on Saturday, November 2nd, 2019 the Davis Center will hold their 50th Anniversary Celebration & Brunch to celebrate their history and to recognize Beatrice E. Davis-Williams and the dance studio’s many alumni; and

WHEREAS, the Davis Center is a fixture in the Ward 4 and Washington, D.C. community and has helped so many youth follow their passion of dancing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “50th Anniversary of the Davis Center Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the outstanding history and longstanding work of both Beatrice E. Davis-Williams and the Davis Center;

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

23-168

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 4, 2019

To recognize and celebrate Community Family Life Services on the occasion of its 50th anniversary.

WHEREAS, Since 1969, Community Family Life Services, Inc. (“CFLS”) has provided District of Columbia children, adults, and families with the tools and resources needed to move beyond poverty and homelessness;

WHEREAS, CFLS is committed to its two goals of providing short-term crisis and emergency assistance and empowering individuals and families to successfully change their lives;

WHEREAS, CFLS supports women returning home following a period of incarceration through reentry supports;

WHEREAS, CFLS’ programs and services include transitional housing; mentoring for individuals and families; employment coaching and job placement; medical case management; reentry case management; family education; and emergency services that include daily or weekly food and clothing distribution; and

WHEREAS, CFLS has flourished under the leadership of its Executive Director, Ashley McSwain, and its Board of Directors, Ronald Morgan (Chair), Mannone Butler (Vice Chair), Derek Ford (Treasurer), Jacquelyn Bengfort (Secretary), Jim Hines (Member at Large), Wolfgang Schaefer (Member at Large), and Gary Randolph (Member at Large);

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Community Family Life Services 50th Anniversary Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and celebrates Community Family Life Services on the occasion of its 50th anniversary.

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

23-169

COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To honor and recognize E.L. Haynes Public Charter School on its 15th anniversary.

WHEREAS, founded in 2004, E.L. Haynes Public Charter School has grown to serve more than 1,130 youth per year as one of Washington, DC’s highest performing charter schools;

WHEREAS, E.L. Haynes Public Charter School has empowered thousands of DC youth, of every race, every socioeconomic status, and every home language, to graduate prepared to succeed in college, career, and life;

WHEREAS, E.L. Haynes Public Charter School’s ongoing commitment to building a restorative, inclusive, and diverse community, has enabled them to develop students into successful individuals, active community members, and responsible citizens;

WHEREAS, E.L. Haynes Public Charter School’s elementary school and high school have both earned Tier 1 designations on the DC Public Charter School Board’s School Quality Report;

WHEREAS, E.L. Haynes Public Charter School high school’s award-winning credit recovery program ensures all students have the ability to graduate;

WHEREAS, E.L. Haynes Public Charter School students have graduated and been accepted to more than 150 colleges around the country, including Brown University, Dartmouth College, Wesleyan University, Georgetown University, Howard University, Spellman College, Morehouse College, Carnegie Mellon University, Drexel University, Virginia Tech, University of Maryland Baltimore County, University, among many others;

WHEREAS, E.L. Haynes Public Charter School students have received some of the most prestigious college scholarships, including the Gates Millennium Scholarship, the POSSE Scholarship, and the DREAM.US Scholarship, among others;

WHEREAS, E.L. Haynes Public Charter School is celebrating its 15th anniversary in 2019.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “E.L. Haynes Public Charter School 15th Anniversary Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council recognizes and honors E.L. Haynes Public Charter School for its 15 years of outstanding service to the District of Columbia and its residents, their efforts to strengthen our education system, and provide a safe, healthy, and rigorous learning environment for the students of the District of Columbia, and declares November 7th, 2019 as “E.L. Haynes Public Charter School Day” 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

23-170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2019

To recognize and honor Dr. James W. Baldwin for a lifetime of service to the nation and the District of Columbia.

WHEREAS, Dr. James W. Baldwin was born on July 11, 1924 in Wagram, North Carolina;

WHEREAS, Dr. Baldwin was inducted into the U.S. Army on December 14, 1942 under the Army Specialized Training Program at Fort Bragg, North Carolina;

WHEREAS, Dr. Baldwin was assigned to the 784th Tank Battalion, and trained at Fort Knox, Kentucky, Camp Hood, Texas and Camp Claiborne, Louisiana;

WHEREAS, Dr. Baldwin was promoted to the rank of Corporal, and assigned to the Mortar Platoon as a gunner;

WHEREAS, Dr. Baldwin's unit embarked for the European Theater of Operations in October of 1944, saw its first combat on Christmas Day of 1944, and fought through the Rhineland and Central Europe;

WHEREAS, in recognition of his service during World War II, Dr. Baldwin received the American Theater Campaign Medal, the Eame Service Medal with two Bronze Service Stars, the World War II Victory Medal, and the Good Conduct Medal;

WHEREAS, upon returning to the United States, Dr. Baldwin enrolled at Howard University, thanks to the G.I. Bill;

ENROLLED ORIGINAL

WHEREAS, Dr. Baldwin graduated from Howard University with a Bachelor's Degree in Psychology and a Master's Degree in Social Work, then received his Doctorate Degree in Public Administration from Nova University in Fort Lauderdale, Florida;

WHEREAS, upon completing his university education, Dr. Baldwin began working for the District Government;

WHEREAS, from 1953 to 1958, Dr. Baldwin served as a Social Worker for the Department of Corrections at Lorton Reformatory;

WHEREAS, from 1958 to 1966, Dr. Baldwin worked as a Probation Officer and then as a Supervisory Probation Officer at the Court of General Sessions;

WHEREAS, from 1966 to 1969, Dr. Baldwin served as Executive Director for the Citizens' Information Service;

WHEREAS, from 1969 to 1970, Dr. Baldwin served as a Management Analyst in the Office of Budget and Executive Management;

WHEREAS, from 1970 to 1979, Dr. Baldwin served as the Director of the DC Office of Human Rights and as Special Assistant for Human Relations to Mayor Walter Washington;

WHEREAS, outside of his occupation, Dr. Baldwin also served his community as Vice Chair of the DC Statehood Commission, Campaign Manager for former Ward 7 Councilmember H.R. Crawford, President and Founding Member of the Penn Branch Civic Association, Chair of the Southeast Neighborhood House, Delegate to the Democratic State Convention, Senior Warden at the Episcopal Church of the Atonement, and Treasurer and Chaplin of Brotherhood of Saint Andrew;

WHEREAS, Dr. Baldwin was married to the late Anne M. Baldwin for 65 years, is father to three daughters (Brenda Baldwin-Marshall, Bonita Baldwin-Jones, and the late Barbara Miller), 5 grandchildren, and 5 great-grandchildren;

WHEREAS, Dr. Baldwin currently resides at 3818 Pope Street, SE, and has been a resident of Ward 7 for the past 65 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA that this resolution may be cited as the "Dr. James W. Baldwin Recognition Resolution of 2019".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and honors Dr. James W. Baldwin for his lifetime of service to the nation and to 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

23-171

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To recognize and honor Maybelle Bennet’s career and contributions to the District of Columbia and the community within and surrounding Howard University.

WHEREAS, Maybelle Bennett is a native Washingtonian and resident of the Congress Heights neighborhood;

WHEREAS, Maybelle Bennett has and will continue to dedicate herself to strong advocacy for the vitality of long-time District residents, of low and moderate-income residents, and of the cultural and historical integrity of the District of Columbia’s communities;

WHEREAS, Ms. Bennett received a Bachelor’s degree in Africana Studies from Vassar College and a Masters of Science in Urban Planning from Columbia University;

WHEREAS, Ms. Bennett served on the District of Columbia Zoning Commission for 16 years, serving as its Chairperson for 7 of those years and overseeing a crucial period of the District’s history;

WHEREAS, Ms. Bennett has been deeply involved in the development and implementation of community planning and development in the neighborhoods surrounding Howard University, including LeDroit Park, Pleasant Plains, and Shaw;

WHEREAS, Ms. Bennett has served as Director of the Howard University Community Association since 1996, serving as a guiding voice for the University’s relationship and investment in the surrounding neighborhoods;

WHEREAS, the Howard University Community Association was founded in 1995 to strengthen the relationship between the university and nearby residents;

WHEREAS, under the direction of Maybelle Bennett, the Community Association oversaw the LeDroit Park Initiative;

ENROLLED ORIGINAL

WHEREAS, the LeDroit Park Initiative, since 1997, has effectively leveraged local, federal, and private funds to rehabilitate vacant housing in the LeDroit Park neighborhood, create a down payment assistance program, and invest in public infrastructure to create a thriving and diverse community;

WHEREAS, the LeDroit Park Initiative continues to invest in affordable housing and neighborhood amenities, and is considered a national model for how Universities can strategically invest in their communities;

WHEREAS, Ms. Bennett managed the 2012 Howard University Central Campus Master Plan, laying out a roadmap for enhanced academic facilities, revitalization of the Shaw-Howard WMATA station, and implementation of the DUKE plan for sustainable development and cultural facilities like the Howard Theater;

WHEREAS, Ms. Bennett oversaw Howard University's Community Service Corps program, which placed students in human services agencies and school programs within the District government;

WHEREAS, Ms. Bennett currently serves on the Board of Directors for: the Douglass Community Land Trust; Manna Ventures, Inc.; the Emergence Community Arts Collective; and the Interfaith Action for Human Rights.

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

Sec. 2. The Council recognizes the nearly unparalleled contributions of Maybelle Bennett in crafting an inclusive city, creating a resilient community, and empowering others to engage in a conversation on our collective future. The Council wishes her the best in all of her future endeavors.

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

23-172

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2019

To recognize the benefits of the George Washington University (GW) Medical Faculty Associates Mobile Mammography Program and declare October 16, 2019 to be GW Blush Day in honor of the GW Mammovan.

WHEREAS, the George Washington University (GW) Medical Faculty Associates Mobile Mammography Program, known as the “GW Mammovan,” makes early detection of breast cancer accessible to underserved women across the metropolitan Washington, D.C. region;

WHEREAS, the GW Mammovan has provided thousands of breast screenings to women living and working in the District of Columbia regardless of ability to pay;

WHEREAS, the GW Mammovan provides services to underserved neighborhoods, offering one-stop screenings in an accessible, comfortable, convenient, state-of-the-art environment;

WHEREAS, the GW Mammovan has raised awareness about the benefits of early detection in the District of Columbia, which has the highest incidence of breast cancer in the United States, higher than in any of the 50 states; and

WHEREAS, the GW Mobile Mammography Program provides women with resources, access and navigation following a breast care diagnosis and has become synonymous with prevention and a pathway to a cure in the Washington, D.C. community.

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

Sec. 2. The Council of the District of Columbia declares October 16, 2019 to be GW Blush Day in honor of the GW Mammovan.

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

23-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2019

To recognize and honor DMV Black Restaurant Week for their creative efforts to successfully establish a platform for entrepreneurship in a competitive market.

WHEREAS, DMV Black Restaurant Week co-founders, Dr. Erinn Tucker, DC native, Furard Tate, and Andra Johnson recognized the need to create a platform to support and sustain black owned restaurants and food service providers;

WHEREAS, DMV Black Restaurant Week begins on November 3rd and ends on November 10, 2019;

WHEREAS, DMV Black Restaurant Week co-founders formed an alliance based on their philosophy, “using food as a force for good”;

WHEREAS, DMV Black Restaurant Week was established to help facilitate their philosophy by supporting black owned restaurants, giving access to resources, creating market opportunities and curating the local industry's best talent;

WHEREAS, DMV Black Restaurant Week continues to annually impact the local community;

WHEREAS, DMV Black Restaurant Week supports local black owned restaurants, food service providers, celebrates unity and inclusivity while also increasing the prosperity of the local economy;

WHEREAS, DMV Black Restaurant Week brought the restaurant industry together with the support of, the Washington Informer Charities, Restaurant Association of Metropolitan Washington (RAMW), Mayor’s Office of African American Affairs, Department of Small and Local Business Development, Yelp DC, Washington Informer, National Restaurant Association Education Foundation, Destination DC, Events DC and Pepsi;

ENROLLED ORIGINAL

WHEREAS, DMV Black Restaurant Week has served hundreds of black owned restaurants in the Washington DC metro area;

WHEREAS, DMV Black Restaurant Week established partnerships between restaurateurs and the broader community, increased visibility of black owned restaurants, increased access to capital, and by doing so, helped to sustain longevity of black restaurants in the market;

WHEREAS, DMV Black Restaurant Week program is supported by approximately 200 local volunteers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “DMV Black Restaurant Week Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes the week of November 3rd through November 10, 2019 as “DMV Black Restaurant 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

23-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To acknowledge Cora Masters Barry, civic leader and the former First Lady of the District of Columbia, for her lifelong political leadership and community activism and commemorate the founding and 25th anniversary of the Recreation Wish List Committee, a foundation that continues to make socioeconomic mobility for children and underserved youth in the District of Columbia a reality through increased access to education and sports.

WHEREAS, Cora Masters Barry founded the Recreation Wish List Committee in 1995 to provide educational and recreational opportunities for underserved children and teenagers living in the District of Columbia;

WHEREAS, the Recreation Wish List Committee has established the theme of this year's twenty-fifth-anniversary celebration as "25 and Still We Thrive, Transforming Children's Lives";

WHEREAS, the primary mission of the Recreation Wish List Committee is to strengthen the ability of the District of Columbia's Department of Parks and Recreation to provide quality recreational and educational enrichment services to local children and youth during after school time and the summer in safe, well-maintained facilities and parks;

WHEREAS, the Recreation Wish List Committee serves as a model public/private partnership, sharing the resources and talents of the members of the Recreation Wish List Committee and of the representatives of the District of Columbia's Department of Parks and Recreation;

WHEREAS, Cora Masters Barry founded the Southeast Tennis and Learning Center in collaboration with the District of Columbia Department of Parks and Recreation in 2001;

WHEREAS, the mission of the Southeast Tennis and Learning Center is to use the sport of tennis as a conduit to be a builder of confidence, the teacher of fair play, a mediator in using strengths to overcome weakness, motivators of academic excellence, and the bridge between competition and compassion;

ENROLLED ORIGINAL

WHEREAS, the Southeast Tennis and Learning Center is recognized as a premier state-of-the-art tennis facility by the United States Tennis Association (USTA) Mid-Atlantic region and serves as home to the George Washington University Varsity Tennis Team;

WHEREAS, thousands of children, primarily between the ages of 3 to 17 and mostly from the city's underserved Ward 7 and 8 neighborhoods, have benefited from education, cultural, enrichment, and athletic programs, with hundreds going on to receive full academic or sports scholarships at institutions of higher education;

WHEREAS, the Southeast Tennis and Learning Center combines academics, cultural enrichment, technology and tennis to inspire young people to challenge them, take pride in their accomplishments, and value the efforts and achievements of others;

WHEREAS, the Recreation Wish List Committee and the Southeast Tennis and Learning Center have been invaluable institutions in Washington, D.C.;

WHEREAS, Cora Masters Barry, a longtime resident of the District of Columbia, pursued her master's degree at Howard University, began her career in public service as a counselor for teenage girls with Operation Sisters United in the Anacostia and Shaw neighborhoods, and taught at the University of the District of Columbia;

WHEREAS, in 1980, Cora Masters Barry became the first woman to be appointed to and served as the Chairman of the District of Columbia's Boxing and Wrestling Commission;

WHEREAS, Cora Masters Barry has been and remains politically active in the District of Columbia, playing a pivotal role in the election and reelection of her late husband, Marion Barry, as a four-term Mayor in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "The Cora Masters Barry and the 25th Anniversary of the Recreation Wish List Committee Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes and honors Cora Masters Barry, civic leader and former First Lady of the District of Columbia, for her lifelong political and community activism and commemorates the 25th anniversary celebration of the Recreation Wish List Committee, a foundation that continues to make socioeconomic mobility for children and underserved youth in the District of Columbia a reality through increased access to education and sports.

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

23-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To recognize and celebrate, Thelma D. Harper Jones, an award-winning community activist, breast cancer survivor, advocate, community breast care navigator, and founder of the Thelma D. Jones Breast Cancer Fund.

WHEREAS, Ms. Thelma D. Harper Jones was born and raised in Snow Hill, North Carolina as a sharecropper’s daughter;

WHEREAS, Ms. Jones is a graduate of Durham College in Durham, North Carolina with an Associate Degree in Applied Science;

WHEREAS, Ms. Jones is a graduate of Georgetown University Nonprofit Management Executive Certificate program, George Washington University DC Neighborhood College and Leadership Greater Washington;

WHEREAS, Ms. Jones was one of the principal founders of the World Bank’s institutional outreach program where she served as a community outreach coordinator;

WHEREAS, Ms. Jones has served on the board of the Southwest Neighborhood Assembly from 1982 to 2017 where she has held several leadership positions including contributing writer for The Southwester, and currently serves as chair of the Youth Activities Task Force, chair of the History Task Force Subcommittee on Black History and co-chair of the Emergency Preparedness Task Force;

WHEREAS, Ms. Jones is a long-time member of St. Augustine’s Episcopal Church where she serves as a lay reader, Altar Guild member, and executive committee member of the Thurgood Marshall Feast Day;

WHEREAS, Ms. Jones retired from the World Bank Group in 2005 after a career lasting more than 33 years;

WHEREAS, Ms. Jones was diagnosed in 2007 with a rare and aggressive form of breast cancer (HER2+) and underwent an aggressive treatment regimen including chemotherapy, a lumpectomy surgery and radiation;

ENROLLED ORIGINAL

WHEREAS, Ms. Jones is a trained volunteer ambassador for the Smith Center for Healing and the Arts and seasoned volunteer and speaker both locally and nationally with the American Cancer Society and the American Cancer Society Cancer Action Network;

WHEREAS, Ms. Jones lobbied both national and local public officials for funding of tobacco control and increased funding for cancer research as the DC State Lead Ambassador for American Cancer Society Cancer Action Network;

WHEREAS, in April 2010, Ms. Jones founded the Thelma D. Jones Breast Cancer Fund Support Group, the signature program of the Thelma D. Jones Breast Cancer Fund in Southwest DC;

WHEREAS, Ms. Jones's support group focuses primarily on African Americans and the historically less served communities contributing significantly to provide a safe and secure place for emotional support for breast cancer survivors and caretakers to discuss and share their journeys as well as gain access to knowledge and information and a broader network;

WHEREAS, Ms. Jones was recognized in September of 2016 by the American Cancer Society Cancer Action Network with the 2016 State Lead Ambassador of the Year Award;

WHEREAS, Ms. Jones has been recognized for her long-time civic activism through numerous awards and recognitions including the Mayor's Award for Community Service in the Category of Lifetime Achievement, the White House Champion of Change Award, Ford Motor Company Freedom's Sisters Award, 2018 Washington National League Bat Girl Award, 2019 Michael and Mauritia Patcha Spirit of Community Award, and the 2019 Inaugural DC Hospital Association Health Heroes Award;

WHEREAS, Ms. Jones received the 2019 Inaugural Durham College Alumni Honors Award for her dedication and leadership effort in preserving and perpetuating the Durham College legacy;

WHEREAS, Ms. Jones, in her quest to help reduce the incidents and mortality rates of breast cancer in the District of Columbia and elsewhere, has passionately carried the message of early detection saves lives to the media, including social media and websites, international organizations, public and private sector, nonprofit organizations, faith and community-based organizations, community and recreational centers, public housings, and public and private high schools, colleges and universities;

ENROLLED ORIGINAL

WHEREAS, Ms. Jones has one son, Jamal, one grandson Seneca, and Ozzie her twelve-year old Shih Tzu.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Thelma D. Jones Ceremonial Resolution of 2019.”

Sec. 2. The Council of the District of Columbia honors Thelma D. Jones for her commitment to youth, breast cancer advocacy, and community activism.

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

23-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 8, 2019

To recognize October 20 through 26, 2019, as National Lead Poisoning Prevention Week and emphasize the importance of lead poisoning prevention and the reduction of childhood exposure to lead.

WHEREAS, National Lead Poisoning Prevention Week brings together individuals, organizations, industry, and state, tribal, and local governments to increase lead poisoning prevention awareness in an effort to reduce childhood exposure to lead;

WHEREAS, the U.S. Department of Housing and Urban Development (HUD), the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention (CDC), and other partners work to heighten awareness of lead poisoning, provide resources, and encourage preventative actions during National Lead Poisoning Prevention Week and beyond;

WHEREAS, childhood lead poisoning is considered the most preventable environmental disease among young children;

WHEREAS, according to the CDC, approximately half a million American children between the ages of 1 and 5 years old have blood lead levels greater or equal to the level of the blood lead reference value, the level at which CDC recommends public health actions begin;

WHEREAS, about 3.6 million American households have children under 6 years of age who live in homes with lead exposure hazards;

WHEREAS, children are at greater risk for lead exposure than others, including those who are from low-income families, members of racial-ethnic minority groups, recent immigrants, and living in older, poorly maintained rental properties;

WHEREAS, lead is a toxic mineral, especially in young children, that can cause damage to the brain and other vital organs, and decreased learning and behavior problems when absorbed into the body;

ENROLLED ORIGINAL

WHEREAS, the most common sources of lead in drinking water are lead pipes, faucets, and fixtures;

WHEREAS, the most common source of lead exposure is from lead-based paint, which was used in many homes built before 1978;

WHEREAS, lead is also commonly found in soil, household dust, paint in toys and other household items, cosmetics, art supplies, pottery, and some herbal medicines;

WHEREAS, lead continues to be a prevalent hazard in the District of Columbia, having been found at elevated levels in recreational spaces across the city earlier this year;

WHEREAS, education about lead dangers, frequent testing of potential lead hazards, transparency of testing results, and prompt remediation are key to protecting District residents from lead poisoning;

WHEREAS, identification and remediation of lead are shared responsibilities among many District agencies, the private sector, and the public;

WHEREAS, National Lead Poisoning Prevention Week can help educate, coordinate, and mobilize the District government and the community to address the pressing dangers of lead in our community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, This resolution may be cited as the “National Lead Poisoning Prevention Week Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes the continuing importance of lead poisoning prevention throughout the District and declares October 20 through 26, 2019, National Lead Poisoning Prevention 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

23-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 22, 2019

To recognize and honor the Washington Mystics on their winning season which includes their first WNBA championship in franchise history.

WHEREAS, the Washington Mystics compiled the WNBA's best regular season record in 2019, with 26 wins and just 8 loses, and in doing so winning the Eastern Conference;

WHEREAS, the Washington Mystics are coached by Mike Thibault who is the league's winningest coach in history, and in his 14th season as a WNBA coach, has his first championship;

WHEREAS, the Washington Mystics have qualified for the WNBA Playoffs in 10 of its 20 seasons of existence;

WHEREAS, the Washington Mystics current roster includes, Ariel Atkins, Natasha Cloud, Elena Delle Donne, Tianna Hawkins, Myisha Hines-Allen, Kiara Leslie, Emma Meesseman, Kim Mestdagh, Aerial Powers, LaToya Sanders, Kristi Toliver, and Shatori Walker-Kimbrough;

WHEREAS, the Washington Mystics were led by WNBA MVP Elena Delle Donne, who this season became the first player in WNBA history to record a 50/40/90 season, meaning at least 50 percent shooting from the field, at least 40 percent shooting from the 3-point line, and 90 percent shooting free-throws;

WHEREAS, the Washington Mystics players have used their platform to speak out on issues of social importance such as gun violence, equal pay, LGBTQ equality, and denouncing racism;

WHEREAS, the Washington Mystics had a historic offensive regular season, breaking WNBA single-season records for points per possession (PPP), assists, assist/turnover ratio, effective field goal percentage, 3-point field goals in a season, and free throw percentage;

ENROLLED ORIGINAL

WHEREAS, demonstrating a true team effort, the Finals MVP was awarded to Emma Meesseman, the first time a reserve player has been so honored; and

WHEREAS, on October 10, 2019 before a packed arena, the Washington Mystics became the 2019 WNBA champions.

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

Sec. 2. The Council of the District of Columbia recognizes and honors the Washington Mystics and their contribution to sports and to the District of Columbia providing hope for a rich basketball future in the District and declares October 10, 2019 as “Washington Mystics Day 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

23-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 22, 2019

To celebrate the outstanding service of DC Access to the Capitol Hill neighborhood and broader Washington, D.C. area over the past 20 years.

WHEREAS, DC Access was founded in April of 1999 by Matt Wade in response to his frustrations with customer service from his current dial-up service providers;

WHEREAS, DC Access began as a dial-up and web hosting business, focusing on commitments to affordable internet options, exceptional customer service, reliability, and privacy for its customers;

WHEREAS, Matt transitioned to providing high-speed broadband internet in 2003 and was later joined by his wife, Martha Huizenga, as a managing partner of DC Access in January of 2004;

WHEREAS, DC Access remains the District's only local internet service provider and serves approximately 1,400 residential and business customers on Capitol Hill and in Adams Morgan, including dozens of apartment buildings and multifamily properties;

WHEREAS, in addition to providing standard high-speed broadband internet, DC Access offers broadcast TV installation to give District residents access to local TV channels without paying a monthly fee;

WHEREAS, as a locally-owned, self-funded small business, DC Access has remained committed to supporting its surrounding community by donating technical expertise and providing free WiFi for charity events and fundraisers, among other philanthropic contributions.

ENROLLED ORIGINAL

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “DC Access 20th Anniversary Recognition Resolution of 2019”.

Sec. 2. The Council recognizes Matt Wade, Martha Huizenga, and the entire DC Access team for their ongoing commitment to providing affordable, high-quality internet access to District residents and businesses, as well as their positive contributions to the District’s small business 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

23-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 22, 2019

To recognize and honor Lutheran Church of the Reformation on the occasion of its 150th anniversary on Reformation Sunday, October 27, 2019.

WHEREAS, the congregation was developed by the Rev. Dr. William Parson with support and leadership of Capitol Hill families including the Slater, Wetzels, Gillespies, Hickmanns, Utermehles, Younts, Cooks, and Cross households among others;

WHEREAS, since its inception the congregation has generously cared for its neighbors throughout the District, as demonstrated by the gift of 27 acres by Sara Utermehle to found the Lutheran Home for the Aged in 1890 in Brookland (now the site of the Washington Center for Aging Services); the founding of Southeast Ministry in Congress Heights by the Rev. Wanda McNeill and Mr. Roger Truehart, and the creation of the Reformation Food Pantry in 1990;

WHEREAS, the congregation’s clergy and leaders have advanced ecumenical and interfaith cooperation and mutual work for social justice in the District through the Washington Federation of Churches during the 20th century and through the Washington Interfaith Network in the 21st century;

WHEREAS, the congregation has opened the doors of its buildings for use by neighborhood groups like the Capitol Hill Chorale, DC Different Drummers, Friday Morning Music Club, Boy Scouts, Girl Scouts, Alcoholics Anonymous, and Al Anon; as well as by sharing its sanctuary and buildings with Hill Havurah, the Jewish community on Capitol Hill;

WHEREAS, the congregation has provided pastoral care and support for those facing personal crises such as illnesses, family conflicts, vocational discernment, and deaths, including for individuals and the families serving in military and foreign service during world wars and international conflicts;

ENROLLED ORIGINAL

WHEREAS, the congregation has been a beacon of welcome for refugees to the United States from Slovakia and Vietnam in the 1970s and 1980s, and from Afghanistan and El Salvador in the 2010s;

WHEREAS, the congregation has provided hospitality and accompaniment to religious and secular advocacy groups that come to Capitol Hill to petition the federal government for redress, including the March on Washington for Jobs and Justice in 1963, the Tractorcade of the American Agriculture Movement in 1979, the Dreamer civil disobedience in 2012, and the LGBTQ Marriage Equality Interfaith Service in 2015;

WHEREAS, the congregation has shaped the Capitol Hill neighborhoods for the common good by helping to found the Capitol Hill Community Foundation, Capitol Hill Association of Merchants and Professionals (CHAMPS), the Capitol Hill Day School, and Everyone Home DC (formerly Capitol Hill Group Ministries).

IT IS HEREBY RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Lutheran Church of the Reformation 150th Anniversary Recognition Resolution of 2019”.

Sec. 2. The Council recognizes Lutheran Church of the Reformation for its ongoing commitments to fostering an inclusive, faith-based community that centers social justice and selflessly serving its parishioners, District residents, and neighbors in the broader Washington, DC area over the past 150 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

23-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 2019

The Council of the District of Columbia is proud to recognize, honor and express the District's overwhelming gratitude to Father John Adams, President of SOME, (So Others Might Eat), on the occasion of his retirement.

WHEREAS, Father John Adams has been in leadership, first as Director and then as President since 1978;

WHEREAS, under his leadership, SOME grew from an organization feeding 50 homeless and poor people each day in 1970 to an organization that serves 1,0000 meals every day of the year in 2019;

WHEREAS, Father John Adams, before taking the leadership of SOME, was founder and Director of Christ House in Alexandria, Virginia for five years, which served the poor and homeless;

WHEREAS, Father John Adams received his Bachelor of Arts in Sacred Theology in 1968 and his Master of Social Work in 1970 from The Catholic University of America in Washington, D.C.; and

WHEREAS, Father John Adams was ordained a Catholic Priest in Erie, Pennsylvania in 1969.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Father John Adams Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes, honors and salutes Father John for his 41-year tenure at SOME, congratulates him on his noble service to the poor and homeless and extends sincerest best wishes.

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

23-181

COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 2019

To recognize the week of November 11 through November 16, 2019 as ‘National Veterans Awareness Week’ to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

WHEREAS, tens of millions of Americans have served in the Armed Forces of the United States during the past century;

WHEREAS, the District of Columbia is home to roughly 30,000 veterans with service dating back to World War II;

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by people of the United States;

WHEREAS, despite current educational efforts of the Mayor’s Office on Veterans Affairs and various veterans service organizations, there has been a decrease in awareness regarding the nature and importance of the accomplishments of our veterans;

WHEREAS, many veterans struggle with disabilities, with 17.1% of veterans in the District having a service-connected disability and 13% of District veterans living in poverty;

WHEREAS, the veteran population in the District of Columbia plays a key part in our community, serving in various professional capacities and with over 5,000 veteran-owned businesses;

WHEREAS, in 2001, the District of Columbia established the Mayor’s Office of Veterans Affairs to provide veteran benefits, assistance, information, outreach, effective advocacy, claims processing assistance and service provider coordination to veterans and their families so that they can access their entitled resources and benefits; and

ENROLLED ORIGINAL

WHEREAS, veterans are the foundation of our country and we encourage the people of the District of Columbia and the United States to observe National Veterans Week with appropriate educational activities.

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

Sec. 2. The Council recognizes the contributions of veterans and declares the week of November 11 through November 16, 2019 as National Veterans Awareness 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

23-182

COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 2019

To recognize and congratulate the Saint John’s College Girls’ Tennis team for winning the Washington Catholic Athletic Conference Girls’ Tennis Championship.

WHEREAS, St. John’s College High School, established in 1851 is the second oldest Christian Brothers school in the United States;

WHEREAS, St. John’s College High School located in northwest Washington, D.C. remains a bastion of academic excellence with 100% of St. John’s graduates accepted into four-year colleges or universities;

WHEREAS, St. John’s succeeds in preparing young men and women for a life dedicated to leadership, achievement, and service to the community;

WHEREAS, St. John’s philanthropic efforts include 25,000 hours of annual student Christian service;

WHEREAS, the St. John’s College High School Girls’ Tennis team, led by Head Coach Nobuyoshi Tanaka, captured the 2019 Washington Catholic Athletic Conference (WCAC) Girls’ Tennis Championship on September 27, 2019, finishing with 40 points, 24 more than the runner-up;

WHEREAS, junior Zoe Walker and freshman Chloe Walker also claimed the WCAC Girls’ Tennis doubles championship;

WHEREAS, the Ward 4 community is proud of the achievements of the St. John’s Girls’ Tennis team;

WHEREAS, the St. John’s College High School Girls’ Tennis team has triumphed, and excelled on the field and in the classroom; and

ENROLLED ORIGINAL

WHEREAS, the St. John’s College High School Girls’ Tennis team roster for the 2019 season includes:

Amber Brown

Kaia Anderson

Vivian Bieter

Skyler Brotherton-Julien

Bobbie Cowan

Kathryn Gallagher

Delia Linstrom

Mia McIlwain

Lila McKenney

Menna Meshesha

Christie Mori

Grace Reilly

Zoe Walker

Chloe Walker

Nina Weinroth

Alexandra White

Lillian Wright

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “St. John’s College High School Girls’ Tennis Team Ceremonial Recognition Resolution of 2019”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes, honors, and salutes the achievement and sportsmanship of the St. John's College High School Girls' Tennis Team and congratulates the players and coaches on their historic championship season.

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

23-183

COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 2019

To celebrate the 40th anniversary of HumanitiesDC, and to recognize the important work of the organization in advocating for the arts and humanities in the District.

WHEREAS, HumanitiesDC was founded as the Humanities Council in 1980 with the goal of enriching the quality of life, foster intellectual stimulation, and promote cross-cultural understanding and appreciation of local history in all neighborhoods of the District through humanities programs and grants;

WHEREAS, Humanities DC is the National Endowment for the Humanities (NEH) designated state humanities council for Washington, D.C. and is a leader in serving the District, its residents, and the cultural organizations and scholars who enrich the tapestry of the District's diverse community;

WHEREAS, HumanitiesDC designs and implements various programs such as D.C. Community Heritage Project, D.C. Digital Museum, D.C. Living Heritage Network, D.C. Oral History Collaborative, Humanities Fellowship Program, Humanitini, Culture Capital, and Humanities D.C. Job Bank, all of which support the arts and humanities community in different ways;

WHEREAS, HumanitiesDC administers multiple grants through grants programs including Humanities Vision Partnership Grant, D.C. Docs Partnership Grant Program, and Soul of the City Partnership Grant for Youth Programs;

WHEREAS, on November 19, 2019 HumanitiesDC will hold their 40th Anniversary Kick-Off Event where they will honor Andy and Marjan Shallal for their dedication to the communities, culture, and history of the District of Columbia.; and

WHEREAS, for 40 years HumanitiesDC has been a strong supporter and key advocate for arts and humanities in Washington, D.C. and is an invaluable resource to the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "40th Anniversary of HumanitiesDC Ceremonial Recognition Resolution of 2019".

ENROLLED ORIGINAL

Sec. 2. The Council recognizes the outstanding contributions HumanitiesDC has made for the arts and humanities community 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

23-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 2019

To recognize the Transgender Day of Remembrance, to celebrate the resilience of transgender individuals, and to declare Wednesday, November 20, 2019, as “Transgender Day of Remembrance” in the District of Columbia.

WHEREAS, transgender individuals face disproportionately high rates and severity of violence, and the vast majority of transgender women murdered and attacked each year are African American or Latina, requiring that the continued commitment to fight racism be a critical component of efforts to protect transgender lives;

WHEREAS, the past three years have been characterized by a dramatic increase in violence against transgender, lesbian, gay, and bisexual individuals, part of a national trend of increased bias-motivated violence;

WHEREAS, the District of Columbia has a particularly alarming history of violence against transgender individuals including the murders of Deeniquia Dodds, Deoni Jones, Lashai Mclean, Tyli’a Mack, Elexius Woodland, Bella Evangelista, Emonie Spaulding, Stephanie Thomas, Ukea Davis, and too many others;

WHEREAS, countless transgender individuals experienced violence and harassment this past year in the District of Columbia and the metropolitan area, including the murders of Ashanti Carmon in March and Zoe Spears in June along the border of D.C. with Fairmount Heights, Maryland, and attacks on transgender women near Casa Ruby community center, No Justice No Pride house, and the D.C. Eagle bar;

WHEREAS, the American Medical Association has characterized “the epidemic of violence against the transgender community, especially the amplified physical dangers faced by transgender people of color” as an urgent public health issue;

ENROLLED ORIGINAL

WHEREAS, the national political climate of recent years has demonized transgender people, including efforts to legalize discrimination against and remove protections for transgender individuals;

WHEREAS, the District of Columbia strives to be a city that is welcoming and safe for all residents and visitors, including transgender people;

WHEREAS, the Transgender Day of Remembrance is held on November 20 around the world to memorialize those killed due to anti-transgender hatred or prejudice;

WHEREAS, Transgender Day of Remembrance is also a time to recognize the resilience of transgender communities and individuals, and to celebrate those who are living and fighting against hatred; and

WHEREAS, the D.C. transgender community and allies have commemorated Transgender Day of Remembrance since 2001, growing from a small group of activists to an event that attracts hundreds of participants and attendance by government officials.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Transgender Day of Remembrance Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes the contributions of the transgender community, its vulnerability to violence, and the resilience of transgender individuals, and declares Wednesday, November 20, 2019 as “Transgender Day of Remembrance”.

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

23-185

COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 2019

To recognize and congratulate Maine Avenue Ministries on its 20th anniversary and for holding America's LOVE, RACE, and GRACE Partnership Prevention Program.

WHEREAS, Reverend Dr. Mary E. Ivey founded Maine Avenue Ministries in 1999 and continues her work with the organization today, where she serves as the President and CEO;

WHEREAS, Maine Avenue Ministries is the umbrella organization for The Annual World Leadership and Scholarship Program; The Institute for Spirituality, Education, and Community Fellowship; and the World LOVE (Let's Overcome Violence Everywhere); RACE (Reaching Across Colorlines Everywhere); and, GRACE (Great Relationships and Cultural Education) Program;

WHEREAS, on November 9, 2019 Maine Avenue, Incorporated will hold their annual America's LOVE, RACE, and GRACE Partnership Prevention Program that will hold discussions on bullying, domestic violence, community violence, gang violence, race and culture;

WHEREAS, America's LOVE, RACE, and GRACE Partnership Prevention Program is an education and motivation program focused on eliminating Bullying, Domestic, Community and World Violence;

WHEREAS, America's LOVE, RACE, and GRACE Partnership Prevention Program focuses on modern education, communication, and relationships embraced by technology to tackle the issues that they take on; and

WHEREAS, America's LOVE, RACE, and GRACE Partnership Prevention Program is yet another example of Maine Avenue Ministries seeking to better our community and we are honored to have had them in the District of Columbia for 20 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "20th Anniversary of Maine Avenue Ministries Ceremonial Recognition Resolution of 2019".

ENROLLED ORIGINAL

Sec. 2. The Council recognizes the outstanding contributions Maine Avenue Ministries has made to our community through programs such as America's LOVE, RACE, and GRACE Partnership Prevention Program.

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.

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

B23-667 Senior Citizen Real Property Tax Exemption Amendment Act of 2020

Intro. 2-14-20 by Councilmembers Todd, Allen, T. White, Nadeau, Cheh, and R. White and referred to the Committee on Business and Economic Development

PROPOSED RESOLUTIONS

PR23-697 Commissioner of the Department of Insurance, Securities, and Banking
Karima Woods Confirmation Resolution of 2020

Intro. 2-14-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR23-698 Chief Procurement Officer of the Office of Contracting and Procurement
George Schutter Confirmation Resolution of 2020

Intro. 2-14-20 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement

- PR23-700 Local Rent Supplement Program Contract No. 2019-LRSP-01A Approval
Resolution of 2020
- Intro. 2-18-20 by Chairman Mendelson at the request of the District of
Columbia Housing Authority and Retained by the Council with comments from
the Committee on Housing and Neighborhood Revitalization
-
- PR23-701 Local Rent Supplement Program Contract No. 2018-LRSP-07A Approval
Resolution of 2020
- Intro. 2-18-20 by Chairman Mendelson at the request of the District of
Columbia Housing Authority and Retained by the Council with comments from
the Committee on Housing and Neighborhood Revitalization
-
- PR23-702 Board of Library Trustees Monte Monash Confirmation Resolution of 2020
- Intro. 2-19-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Education
-
- PR23-703 Rent Administrator Lauren Pair Confirmation Resolution of 2020
- Intro. 2-19-20 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Housing and Neighborhood Revitalization
-

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HUMAN SERVICES
NOTICE OF A PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
ANNOUNCES A PUBLIC HEARING ON**

Bill 23-487, the “Service Animal in Training Clarification Amendment Act of 2019”

**Wednesday, March 18, 2020, at 10:00 a.m.
Hearing Room 123
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, announces a public hearing on Bill 23-487, the “Service Animal in Training Clarification Amendment Act of 2019”. The public hearing will begin at 10:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B23-487, the “Service Animal in Training Clarification Amendment Act of 2019” expands the definition of a "service animal in training" to clarify that the owner of a service animal in training may also serve as the trainer of that animal.

Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on LIMS at lims.dccouncil.us.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at humanservices@dccouncil.us or at (202) 724-8101, and provide their name, telephone number, organizational affiliation, title (if any), and any requests for accommodations by **close of business Monday, March 16, 2020.**

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

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 are encouraged to bring **fifteen single-sided copies** of their written testimony and are encouraged to submit a copy of their testimony electronically to humanservices@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at humanservices@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on April 1, 2020.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 23-0601, the “Condominium Warranty Amendment Act of 2020”

Bill 23-0623, the “Condominium Warranty Claims Clarification Amendment Act of 2020”

Bill 23-0568, the “Home Purchase Assistance Amendment Act of 2019”

and

Bill 23-0530, the “Rent Stabilization Affordability Qualification Amendment Act of 2019”

Friday, March 27, 2020, at 10:00 a.m.
John A. Wilson Building, Room 123
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Friday, March 27, 2020, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on B23-0601, B23-0623, B23-0568, and B23-0530. The hearing will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The purpose of Bill 23-0601, the “Condominium Warranty Amendment Act of 2020”, is to clarify the administration of the condominium warranty against structural defects in a new or renovated condominium and to transfer the administration of the warranty back to the Department of Consumer and Regulatory Affairs (DCRA).

The purpose of Bill 23-0623, the “Condominium Warranty Claims Clarification Amendment Act of 2020”, is to clarify terminology and the requirements for when warranty claims are ready for referral to the Office of Administrative Hearings (OAH). The legislation further expedites the warranty claims procedural processes to speedily place cases before OAH.

The purpose of Bill 23-0568, the “Home Purchase Assistance Amendment Act of 2019”, is to increase the maximum and minimum amounts of home purchase down payment assistance to \$100,000 and \$30,000, respectively. The bill establishes a home repair grant of a maximum of \$15,000 and also removes certain funding limitations for 203K renovation loans.

The purpose of Bill 23-0530, the “Rent Stabilization Affordability Qualification Amendment Act of 2019”, is to set income eligibility standards for renting a rent stabilized apartment. Under the bill, a unit under the Rent Stabilization Program may only be rented to a tenant with a monthly adjusted gross income less than 5 times the monthly rent charged for the unit.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization at 202.724.8198 or email housing@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on Thursday, March 26, 2020. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony will be limited to 3 minutes.

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 proceeding. The Committee will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004 or email housing@dccouncil.us. The record will close at 5:00 p.m. on Friday, April 10, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 23-0643, the “Keeping Cool Elderly Tenants and Tenants with a Disability
Amendment Act of 2020”

and

Bill 23-0237, the “Rent Concession Amendment Act of 2019”

Wednesday, March 18, 2020, at 10:00 a.m.
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Wednesday, March 18, 2020, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 23-0643 and Bill 23-0237. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The purpose of Bill 23-0643, the “Keeping Cool Elderly Tenants and Tenants with a Disability Amendment Act of 2020”, is to require landlords to provide air conditioning to apartments that are rented to elderly tenants and tenants with a disability, upon request by the tenant. With the global rise in temperatures in recent years, both groups are increasingly at risk to the consequences of heat-related illnesses.

The purpose of Bill 23-0237, the “Rent Concession Amendment Act of 2019”, is to clarify that the abolition of rent ceilings applies to all unimplemented and expired rent increases and that rent increases may not be implemented more than 30 days after a housing provider is first eligible to take the increase. The bill resets rents based on the rent charged and any unexpired rent surcharges in effect on the effective date of the act.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization at 202.724.8198 or email housing@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on Tuesday, March 17, 2020. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony will be limited to 3 minutes.

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 proceeding. The Committee will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004 or email housing@dccouncil.us. The record will close at 5:00 p.m. on Wednesday, April 1, 2020.

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

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 23-696, Sense of the Council Opposing Implementation of Public Charge Rule Resolution of 2020

on

**Monday, March 2, 2020
2:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on PR 23-696, the “Sense of the Council Opposing Implementation of Public Charge Rule Resolution of 2020.” The roundtable will be held at 2:00 p.m. on Monday, March 2, 2020 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PR 23-696 is to oppose the implementation of the U.S. Department of Homeland Security’s (DHS) public charge rule, which was deemed allowable in a 5-4 Supreme Court ruling issued on January 27, 2020. Prior to this ruling, a nationwide injunction prevented implementation of the rule. This rule will make it easier for DHS to deny entry or legal status to individuals deemed likely to require government assistance. On February 24, 2020, the Trump Administration will begin to implement the rule.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow at (202) 724-4865, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Thursday, February 27, 2020**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 27, 2020 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, March 2, 2020.

For reasonable accommodation requests, please inform the Committee of the Whole of the need as soon as possible but no later than five (5) business days before the roundtable. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

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 reprogramming's are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 23-81: Request to reprogram \$5,304,702 in Local Funds budget authority within the District of Columbia Public Schools was filed in the Office of the Secretary on February 20, 2020. This reprogramming is needed to ensure that DCPS' budget is properly aligned with current reporting structures within organizations.

RECEIVED: 14-day review begins February 21, 2020

Reprog. 23-82: Request to reprogram \$5,000,000 in Capital Funds budget authority and allotment from the Department of Health Care Finance to the Department of Corrections was filed in the Office of the Secretary on February 20, 2020. This reprogramming will ensure that the budget is aligned with the higher-priority need.

RECEIVED: 14-day review begins February 21, 2020

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 28, 2020
Protest Petition Deadline: April 13, 2020
Roll Call Hearing Date: April 27, 2020

License No.: ABRA-116122
Licensee: Baker's Bread DC, LLC.
Trade Name: Junction Bistro Bar & Bakery
License Class: Retailer's Class "C" Restaurant
Address: 238 Massachusetts Ave, N.E.
Contact: Ashley E. Wiggins (202) 530-7169

WARD 6 ANC 6C SMD 6C02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 27, 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

Requesting a Summer Garden with 24 seats and space for 6 standing. Total Occupancy Load of the Summer Garden will be 30.

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Saturday 6am - 11pm

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

Sunday through and Saturday 8am - 11pm

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

Placard Posting Date: February 28, 2020
Protest Petition Deadline: April 13, 2020
Roll Call Hearing Date: April 27, 2020
Protest Hearing Date: June 10, 2020

License No.: ABRA-116333
Licensee: 1401 Potomac Hall, LLC
Trade Name: The Roost
License Class: Retailer's Class "C" Restaurant
Address: 1401 Pennsylvania Avenue, S.E.
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6B

SMD 6B06

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 27, 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 **June 10, 2020 at 4:30 p.m.**

NATURE OF OPERATION

The Establishment will be a restaurant offering multiple food vendors. Seating Capacity of 415 inside and a Total Occupancy Load of 480. Sidewalk Café with a Total Occupancy Load of 118. Request to add an Entertainment Endorsement indoors and outdoors.

HOURS OF OPERATION FOR INSIDE OF THE PREMISES AND FOR THE SIDEWALK CAFE

Sunday through Thursday 7am – 2am, Friday and Saturday 7am – 3am

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

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

HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES AND FOR THE SIDEWALK CAFE

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 28, 2020
Protest Petition Deadline: April 13, 2020
Roll Call Hearing Date: April 27, 2020
Protest Hearing Date: June 10, 2020

License No.: ABRA-116091
Licensee: GVI 14th Street, LLC
Trade Name: Vin Sur Vingt
License Class: Retailer's Class "C" Tavern
Address: 1529 14th Street, N.W.
Contact: Ely Hurwitz, Esq.: (202) 483-0001

WARD 2

ANC 2F

SMD 2F02

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 27, 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 June 10, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new class C Tavern with a seating Capacity of 99, Total Occupancy Load of 113, and a Sidewalk Cafe with 16 Seats. The establishment will include an Entertainment Endorsement for the inside of the premises only.

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

Sunday 10am – 12am, Monday through Thursday 10am – 2am, Friday and Saturday 10am – 3am

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

Sunday through Saturday 10am – 11pm

HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES ONLY

Sunday through Thursday 6pm – 12am, Friday and Saturday 6pm – 3am

DC BOARD OF ELECTIONS**UPDATED NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

This notice is intended to update a previous Notice of Public Hearing: Receipt and Intent to Review Initiative Measure (published in the D.C. Register on February 14, 2020 (67 DCR 001486)) to reflect that the Board of Elections has rescheduled its March meeting from Wednesday, March 4, 2020 to **Thursday, March 12, 2020 at 10:30 a.m.** On this date, the Board shall consider in a public hearing whether the proposed measure, “Sex Worker and Community Health and Safety Act of 2020,” is a proper subject matter for initiative. All previous information provided in the original notice, including the deadlines for submission of written comments, remains the same.

In making a subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

The Short Title, Summary Statement, and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

Sex Worker and Community Health and Safety Act of 2020

SUMMARY STATEMENT

If enacted, this Initiative would remove criminal penalties for sex workers and other consenting adults who engage in paid sexual activities, while maintaining criminal penalties for human trafficking and paid sexual activities involving minors. This initiative would also

broaden current law to make it a criminal offense for law enforcement and other government personnel to engage in a sexual act with anyone under criminal investigation, in custody, incarcerated, on parole or probation, or under supervised release.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That
this act may be cited as the “Sex Worker and Community Health and Safety Act of 2020.”

Section 1. Findings and Declaration of Policy.

(a) The people of the District of Columbia find that:

- (1) The District of Columbia has long been arresting, prosecuting and incarcerating adults for consensual sexual exchanges. Although widely used, this criminalization approach has not worked; instead, criminalization fosters violence and exploitation of the most vulnerable people.
- (2) In Rhode Island, indoor consensual adult prostitution was decriminalized from 2003 to 2009, during which period reported rapes decreased by 31% and gonorrhea cases decreased by 39%.
- (3) Research shows that over 80% of street-based sex workers experience violence in the course of their work.
- (4) Sex workers often experience homelessness and are engaged in sex work in order to meet their basic needs (shelter, food, hygiene).
- (5) Criminalization of sex work has a greater negative impact on groups already facing discrimination, including communities of color, LGBTQ individuals, persons with disabilities, and immigrants.

(b) It is declared the policy of this act to:

- (1) promote the health and safety of sex workers by decriminalizing paid sexual activities between consenting adults;
- (2) maintain criminal penalties for human trafficking and paid sexual activities involving minors; and
- (3) ensure that protections against sexual abuse cover anyone under criminal investigation, in custody, incarcerated, on parole or probation, or under supervised release.

--D.C. Code §22-2701--

Section 2. Section 1 of An Act for the Suppression of Prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code §22-2701), is amended as follows:

“§22-2701. Engaging in a sexual act in return for receiving anything of value.

“(a) It is unlawful for any child to engage in or offer to engage in a sexual act or sexual contact in return for receiving anything of value.

“(b) (1) A child who engages in or offers to engage in a sexual act or sexual contact in return for receiving anything of value shall be immune from prosecution for a violation of subsection (a) of this section.

“(2) The Metropolitan Police Department shall refer any child suspected of engaging in or offering to engage in a sexual act or sexual contact in return for receiving anything of value to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of children under §22-1834.

“(c) For purposes of this section, the term ‘child’ means a person who has not attained the age of 18 years.”

--D.C. Code §22-2703--

Section 3. Section 3 of An Act for the Suppression of Prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code §22-2703) is repealed.

--D.C. Code §22-2707--

Section 4. Section 3 of An Act in Relation to Pandering, to Define and Prohibit the Same and to Provide for the Punishment Thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §22-2707) is amended as follows:

(a) Subsection (a) is amended to read as follows: “(a) Except as provided in subsection (b), it is unlawful for any person, within the District of Columbia, to receive any money or other valuable thing for or on account of arranging for or causing any other person to engage in a sexual act or contact.”

(b) A new subsection (b) is added as follows:

“(b) It shall not be unlawful for an adult to receive any money or other valuable thing for or on account of arranging for or causing any other adult or adults to engage in a sexual act or contact—

(1) if such other adult or adults have voluntarily consented to such act or contact; and

(2) if no conduct by the person arranging for or causing such other adult or adults to

engage in a sexual act or contact violates any provision of the Prohibition Against

Human Trafficking Amendment Act of 2010, effective Oct. 23, 2010 (D.C. Law 18-

239; D.C. Official Code §§22-1831 et seq.).”

(c) Subsection (b) is re-lettered as subsection (c).

(d) A new subsection (d) is added as follows: “(d) For purposes of this section, the term ‘adult’ means a person who has attained the age of 18 years.”

--D.C. Code §22-2713--

Section 5. Section 1 of an Act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 17, 1914 (38 Stat. 280; D.C. Official Code §22-2713) is amended by adding a new subsection (c) as follows:

“(c) No single family accommodation or rental unit as defined in §42-3401.03 shall be treated as a building or place used for the purpose of lewdness, assignation or prostitution within the meaning of subsection (a) by reason of any lawful conduct by any person who has attained 18 years of age and who uses such single family accommodation or rental unit as such person’s principal residence or by reason of any lawful conduct in which such person participates.”

--D.C. Code §22-2722--

Section 6. Section 1 of An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Code §22-2722) is repealed.

--D.C. Code §22-3013--

Section 7. Section 212 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §22-3013) is amended by re-numbering such section as subsection (a) of such section and adding a new subsection (b) as follows:

“(b) Any police officer, probation officer, parole officer, corrections officer, or other officer or employee of the District of Columbia acting under color of law, who –

- (i) engages in a sexual act with a person who is the subject of an investigation of a violation of any criminal statute in effect in the District of Columbia, or with a person who is under arrest, detained, in custody, or under the supervision of any such police officer, probation officer, parole officer, corrections officer, or other officer or employee of the District of Columbia acting under color of law; or
- (ii) causes such person to engage in or submit to a sexual act;

shall be imprisoned for not more than 10 years or fined not more than the amount set forth in §22-3571.01, or both.”

Section 8. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**NOTICE OF PUBLIC HEARING****FOUNDERS BANK CHARTER APPLICATION****March 9, 2020****2:00 p.m.****Department of Insurance, Securities and Banking
1050 First Street, N.E., Suite 801
Washington, D.C. 20002**

The organizers for the proposed Founders Bank filed an application with the Department of Insurance, Securities and Banking (the "Department") to establish a de novo community bank in the District of Columbia.

Pursuant to section 5(b)(1)(B) of the District of Columbia Regional Banking Act of 1995 (D.C. Official Code § 26-704(b)(1)(B) (2001)), Acting Commissioner Karima Woods hereby gives notice that a public hearing on the Founders Bank charter application will be held on March 9, 2020 at 2:00 p.m. at the Department's offices located at 1050 First Street, N.E., Suite 801, Washington, D.C. 20002.

The public file for this application is available for inspection at the Department's offices located at 1050 First Street, N.E., Suite 801, Washington, D.C. 20002 during regular business hours from 8:30 a.m. to 5:00 p.m.

Any person that would like to testify at the public hearing should contact Brian P. Williams, Associate Commissioner for Banking at 202-727-8000. Testimony should be limited to five minutes in duration.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 22, 2020
441 4TH 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

20238 **Application of James Silk**, pursuant to 11 DCMR Subtitle X, Chapter
ANC 6B 9, for special exceptions under Subtitle G § 1200, from the height
 requirements of Subtitle G § 1102.2, from the rear yard requirements
 Subtitle G § 1103.1, and from the setback requirements of Subtitle G §
 1105.1, and pursuant to 11 DCMR Subtitle X, Chapter 10, for an area
 variance from minimum alley width requirements of Subtitle C § 303.3
 (a), to construct a second story addition to an existing semi-attached
 principal dwelling unit in the MU-26 Zone at premises 203 Rear 3rd
 Street S.E. (Square 762, Lot 823).

WARD EIGHT

20257 **Application of NCRC Erie Street LLC**, pursuant to 11 DCMR
ANC 8B Subtitle X, Chapters 9, for a special exception under the Voluntary
 Inclusionary Zoning modifications of Subtitle C § 1001.2(b)(3) and
 Subtitle D § 5206.2, to subdivide the vacant property into eight lots and
 construct eight single-family row homes in the R-3 at premises of the
 1500 block of Erie Street, S.E. (Square 5828, Lots 20-24).

WARD THREE

20259 **Application of Federal Realty**, pursuant to 11 DCMR Subtitle X,
ANC 3C Chapter 9, for a special exception under Subtitle H § 1200 from the
 designated use requirements of Subtitle H § 1101.3(a), to permit a
 financial services use in the NC-3 Zone at premises 3501-
 3527 Connecticut Avenue, N.W. (Square 2222, Lot 15).

BZA PUBLIC HEARING NOTICE

APRIL 22, 2020

PAGE NO. 2

WARD FOUR

20261 **Application of Ramon Argueta**, pursuant to 11 DCMR Subtitle X,
ANC 4D Chapter 9, for special exceptions under Subtitle D § 5201, from the
rear yard requirements of Subtitle D § 306.2, and from the pervious
surface requirements of Subtitle D § 308.3, and pursuant to Subtitle X,
Chapter 10, for an area variance from the lot occupancy requirements
of Subtitle D § 304.1, to allow a second-story rear deck addition to an
existing attached principal dwelling unit in the R-3 Zone at premises
5104 3rd Street N.W. (Square 3301, Lot 45).

WARD ONE

20262 **Application of 741 Morton LLC**, pursuant to 11 DCMR Subtitle X,
ANC 1A Chapter 9, for special exceptions under Subtitle U § 320.2, and under
Subtitle E § 5201, from the side yard requirements of Subtitle E §
207.3, to construct a third-story addition and a three-story rear and side
addition to an existing semi-detached principal dwelling unit, and to
convert it into a three-unit apartment house in the RF-1 Zone at
premises 741 Morton Street N.W. (Square 2894, Lot 870).

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. All requests and comments should be submitted to the Board through the Director, Office of Zoning,

BZA PUBLIC HEARING NOTICE

APRIL 22, 2020

PAGE NO. 3

441 4th 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 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。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

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

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

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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 trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

BZA PUBLIC HEARING NOTICE

APRIL 22, 2020

PAGE NO. 4

**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**

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

TIME AND PLACE: **Thursday, April 23, 2020, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, NW, Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-27B (Carr Properties OC, LLC – Modifications to Approved First-Stage and Consolidated PUDs and Second-Stage PUD @ Square 3587, Lots 833-834 [350 Morse Street, N.E.]

THIS CASE IS OF INTEREST TO ANC 5D

On March 22, 2019, Carr Properties OC, LLC, (the “Applicant”) filed an application (the “Application”) pursuant to Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations] to which all references are made unless otherwise specified) requesting that the Zoning Commission (the “Commission”) approve:

- a modification of significance to the consolidated planned unit development (“PUD”) approved by Z.C. Order No. 15-27 (the “Order”), as modified by Z.C. Order No. 15-27D, to permit bar and restaurant uses in the penthouse of “Building C1” (Square 3587, Lot 833);
- a second-stage PUD and a modification of significance to the first-stage PUD approved by the Order, to convert the primary use of “Building C2” (Square 3587, Lot 834) from residential to office use, and to incorporate bar and restaurant uses in the penthouse; and
- two special exceptions, pursuant to Subtitle C § 1500.3 and Subtitle X § 901.2, to permit nightclub, bar, cocktail lounge, and/or restaurant uses in the penthouse habitable space of both Buildings C1 and C2.

For the second-stage PUD, the Applicant proposes to develop Building C2 with approximately 225,398 square feet of gross floor area (“GFA”) devoted to office use and approximately 6,532 square feet of GFA devoted to retail use, of which 1,125 square feet will be devoted to “Maker Space.” The Application requests design flexibility, in addition to that granted by the Order, from the requirement to comply with the plans approved by the Commission, for the final location of the Maker Space, provided it remains 1,125 square feet and is visible from the street on the ground floor.

The Office of Planning (“OP”) filed reports (collectively, the “OP Setdown Reports”) dated November 27, 2019 (Building C2) and January 3, 2020 (Building C1), that recommended setdown of the Application as not inconsistent with the Order, the Zoning Regulations, and the Comprehensive Plan.

At its public meetings of December 9, 2019 and January 13, 2020, the Zoning Commission voted to schedule Building C2 and then Building C1, respectively, for a single public hearing.

The Applicant filed its Prehearing Submission with the Zoning Commission on February 7, 2020.

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

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the public hearing. All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning (“OZ”) of their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission.

How to participate as a party.

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

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise

the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

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

“Great weight” to written report of ANC

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

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

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

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

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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 trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

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

TIME AND PLACE: **Monday, May 4, 2020, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-04 (Office of Planning - Text Amendment to Subtitle K, Chapter 5 to the Use Requirements of the Capitol Gateway Zone)

THIS CASE IS OF INTEREST TO ANC 6D

On January 31, 2020, the Office of Planning (“OP”) filed with the Office of Zoning a report (the “OP Setdown Report”) that served as a petition to the Zoning Commission for the District of Columbia (the “Commission”) proposing the following amendments to Title 11 of the DCMR (Zoning Regulations of 2016 [the “Zoning Regulations] to which all references herein refer unless otherwise specified):

Subtitle K, Special Purpose Zones – Chapter 5, Capitol Gateway Zones – CG-1 through CG-7:

§ 509.1 – adding Potomac Avenue, S.W. to the designated street list subject to preferred use requirements; and

§ 509.3 – adding a new ground floor use requirement for properties that front on Potomac Avenue, S.W., and clarifying text.

The proposed text amendment would clarify the application of the preferred use requirements to properties with street frontage along Potomac Avenue, S.W.

At its February 10, 2020 public meeting, the Commission voted to grant OP’s request to set down the proposed text amendment for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The OP Setdown Report also serves as the pre-hearing report required by Subtitle Z § 501.

The complete record in the case, including the OP Setdown Report and transcript of the February 10, 2020, public hearing, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

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

I. Proposed Amendments to Subtitle K, SPECIAL PURPOSE ZONES

Section 509, USE REQUIREMENTS FOR DESIGNATED STREETS (CG), of Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, of Subtitle K, SPECIAL PURPOSE ZONES, is proposed to be amended by adding a new paragraph (d) to § 509.1 and by revising § 509.3, to read as follows:

509.1 Preferred use requirements shall apply only to the following designated streets:

- (a) First Street, S.E.;
- (b) Half Street, S.E.; **and**
- (c) First Street, S.W.; **and**
- (d) Potomac Avenue, S.W.**

509.2 Preferred uses of this section ...¹

509.3 Any new building ~~or structure~~ with frontage on the streets identified in Subtitle K § 509.1 shall **comply with the following:**

- (a) ~~Devote~~ **Except for buildings with street frontage on Potomac Avenue, S.W., buildings shall devote** not less than 0.5 FAR of the ground floor gross floor area to one (1) or more of the ~~designated use categories~~ **preferred uses;**
- (b) **For buildings with street frontage on Potomac Avenue, S.W., one (1) or more preferred uses must be provided on the ground floor for a minimum depth of seventy-five feet (75 ft.) from the building's Potomac Avenue frontage;**
- ~~(b)~~ (c) Devote no more than twenty-five percent (**25%**) of the ground floor gross floor area ~~retail preferred use~~ requirement to service ~~general or financial~~ uses **(general or financial);**
- ~~(c)~~ (d) Devote one hundred percent (100%) of the building's street frontage along the designated street to ~~required preferred~~ uses except for space devoted to building entrances or required for fire control; **and**
- ~~(d)~~ (e) For good cause shown, the Zoning Commission may authorize interim occupancy **by a non-preferred use** of the preferred use space required by

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

that this subsection ~~by a non-preferred use requires to be reserved for preferred uses~~ for up to five (5) years, provided that:

- (1) The ~~ground floor~~ interim non-preferred use space is suitably designed for future occupancy by ~~the a~~ preferred use ~~space~~; and
- (2) The ~~ground floor area~~ interim non-preferred use space is designed to fully meet the applicable design regulations of Subtitle K § 510.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

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

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), 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
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How to participate as a witness – written statements

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“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 505.2, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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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 ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments Chapter 42 (Dentistry) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for dentists in the District of Columbia to include continuing education in public health priorities as determined and amended from time to time by the Director, reduce the required number of continuing education in ethics, and limit the number of internet continuing education hours that will be accepted.

This rulemaking was published in the *D.C. Register* on November 8, 2019 at 66 DCR 015085. The Department received comments from the District of Columbia Dental Society in response to the notice objecting to the increase in mandatory continuing education set forth in the proposed rulemaking, and objecting to the additional two (2) hours of mandatory training (in public health priorities). The District of Columbia Board of Dentistry considered the comments at its regularly scheduled meeting on December 18, 2019. The Board did not agree that the additional requirements were excessive or overly burdensome. Therefore, the Board voted to recommend that the Director of the Department of Health publish the rulemaking as proposed without any changes. No changes have been made to the rulemaking.

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

Chapter 42, DENTISTRY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4206, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

- 4206.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license, subject to § 4206.2, beginning with the licensure period ending December 31, 2019, and for subsequent terms.
- 4206.2 This section shall not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.
- 4206.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 4207.

4206.4 For the licensure period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4206.5 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate

by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

- 4206.6 For the licensure period ending December 31, 2019 and subsequent terms, each applicant for renewal, reactivation, or reinstatement of a license who is permitted by the Drug Enforcement Agency and the District of Columbia Pharmaceutical Control Division to prescribe controlled substances in the District shall complete two (2) hours of continuing education in the abuse and misuse of controlled substances, and in opioid prescription practices. This continuing education shall be as part of the continuing education hours required under Subsection 4206.4 and 4206.5 of this chapter.
- 4206.7 Beginning with the licensure period ending December 31, 2021, not more than fifteen (15) continuing education units ("CEUs") for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 4206.8 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.
- 4206.9 For the licensure period ending December 31, 2019, to qualify for a license, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11)), who submits an application to reactivate a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the applicant was inactive status beginning with the third year, which shall include at least:
- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
 - (b) Two (2) hours of infection control in approved continuing education programs;
 - (c) Two (2) hours of ethics in approved continuing education programs; and
 - (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the District

of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4206.10 Beginning with the licensure period ending December 31, 2021, to qualify for a license, a person in inactive status within the meaning of pursuant to section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the applicant was inactive status beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4206.11 For the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional twelve (12) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4206.12 Beginning with the licensure period ending December 31, 2021, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its

licensees when determined by the Director via electronic communication and through publication on its website.

- 4206.13 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 4206.14 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 4206.13 and by paying the required additional late fee.
- 4206.15 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 4206.16 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.
- 4206.17 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 4206.18 Unless otherwise specifically stated in this chapter, the Board shall not grant continuing education credits for:

- (a) Work done in the course of an applicant's normal occupation or incident to the performance of his or her regular professional duties, such as teaching didactic courses, research, or course preparation in the case of a teacher or professor;
- (b) Meetings and activities not related to the administrative or clinical practice of dentistry; or
- (c) Other activities, which are not of the type of activities approved by the Board.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 43 (Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for dental hygienists to include continuing education in public health priorities as determined and amended from time to time by the Director, increase the total number of continuing education hours required, and increase the cap on how many hours from approved Internet courses will be accepted.

This rulemaking was published in the *D.C. Register* on November 8, 2019 at 66 DCR 015092. The Department received comments from the District of Columbia Dental Society in response to the notice objecting to the increase in mandatory continuing education set forth in the proposed rulemaking, and objecting to the additional two (2) hours of mandatory training (in public health priorities). The District of Columbia Board of Dentistry considered the comments at its regularly scheduled meeting on December 18, 2019. The Board did not agree that the additional requirements were excessive or overly burdensome. Therefore, the Board voted to recommend that the Director of the Department of Health publish the rulemaking as proposed without any changes. No changes have been made to the rulemaking.

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

Chapter 43, DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4306, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

- 4306.1 Except as provided in § 4306.2, this section applies to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring December 31, 2019, and for subsequent terms.
- 4306.2 This section shall not apply to applicants for an initial license by examination or endorsement and shall not apply to applicants for the first renewal of a license granted by examination.
- 4306.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 4307.

- 4306.4 For the licensure period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4306.10 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date the license expires, which shall include:
- (a) Current CPR certification for healthcare providers at the basic level;
 - (b) Two (2) hours of infection control training;
 - (c) One (1) hour of ethics in an approved continuing education program; and
 - (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).
- 4306.5 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a license shall submit proof pursuant to § 4306.10 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date the license expires, which shall include:
- (a) Current CPR certification for healthcare providers at the basic level;
 - (b) Two (2) hours of infection control training;
 - (c) One (1) hour of ethics in an approved continuing education program;
 - (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
 - (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4306.6 For the licensure period ending December 31, 2019, to qualify for a license, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 4306.10 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4306.7 Beginning with the licensure period ending December 31, 2021, to qualify for a license, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 4306.10 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or

question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and

- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4306.8 For the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4306.10 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4306.9 Beginning with the licensure period ending December 31, 2021, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4306.10 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;

- (c) One (1) hour of ethics in an approved continuing education program;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4306.10 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

4306.11 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 4306.10 and by paying the required additional late fee.

4306.12 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

4306.13 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after

the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.

- 4306.14 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:
 - (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.

- 4306.15 For the license period ending December 31, 2019, not more than eight (8) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.

- 4306.16 Beginning with the license period ending December 31, 2021, not more than ten (10) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.

- 4306.17 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 90 (Dental Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the continuing education requirements for dental assistants to include continuing education in public health priorities as determined and amended from time to time by the Director, increase the total number of continuing education hours required, and allow for not more than five (5) continuing education hours to be completed through approved internet courses.

This rulemaking was published in the *D.C. Register* on November 8, 2019 at 66 DCR 015098. The Department received comments from the District of Columbia Dental Society in response to the notice objecting to the increase in mandatory continuing education set forth in the proposed rulemaking, and objecting to the additional two (2) hours of mandatory training (in public health priorities). The District of Columbia Board of Dentistry considered the comments at its regularly scheduled meeting on December 18, 2019. The Board did not agree that the additional requirements were excessive or overly burdensome. Therefore, the Board voted to recommend that the Director of the Department of Health publish the rulemaking as proposed without any changes. No changes have been made to the rulemaking.

These rules were adopted as final on January 30, 2019 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 90, DENTAL ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**Section 9004, SCOPE OF PRACTICE, is amended by correcting the numbering in Subsection 9004.5 as follows:**

- 9004.5 A dentist shall not delegate to a dental assistant any of the following procedures:
- (a) Those procedures excluded by 17 DCMR § 4215.1;
 - (b) A preliminary dental examination;
 - (c) A complete prophylaxis, including the removal of any deposits, diseased crevicular tissue, accretion, or stain from the surface of a tooth or a restoration;
-

Section 9007, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

- 9007.1 Except as provided in § 9007.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a dental assistant registration.
- 9007.2 This section shall not apply to applicants for the first renewal of a dental assistant registration.
- 9007.3 A continuing education credit shall be valid only if it is part of a program approved by the Board.
- 9007.4 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 9007.5 A continuing education credit shall consist of at least sixty (60) minutes of instruction in an approved continuing education program.
- 9007.6 Beginning with the licensure period ending December 31, 2021, not more than five (5) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 9007.7 For the licensure period ending December 31, 2019, an applicant for renewal of a dental assistant registration shall:
- (a) Have completed seven (7) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
 - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs; and
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia

Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5));

- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

9007.8 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a dental assistant registration shall:

- (a) Have completed ten (10) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
 - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs;
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
 - (5) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

9007.9 For the licensure period ending December 31, 2019, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of seven (7) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

9007.10 Beginning with the licensure period ending December 31, 2021, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of ten (10) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of

the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

- 9007.11 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 9007.12 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.
- 9007.13 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.
- 9007.14 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 9007.15 An extension granted under this section shall not exempt the dental assistant from complying with the continuing education requirements for any other renewal period.

**DEPARTMENT OF HUMAN SERVICES
ECONOMIC SECURITY ADMINISTRATION**

NOTICE OF FINAL RULEMAKING

The Director of the Department of Human Services (DHS), pursuant to the authority set forth in section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52 (2019 Repl.)), Mayor's Reorganization Plan No. 3 of 1986, and the authority set forth in Mayor's Order 2006-50, dated April 13, 2006, hereby gives notice of the adoption of amendments to Chapter 72 (Standards of Assistance and Payment Levels) and Chapter 58 (Temporary Assistance for Needy Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The rules update the payment levels for recipients of the following benefits to the Fiscal Year 2020 amounts: Temporary Assistance for Needy Families (TANF) (D.C. Official Code § 4-205.52); General Assistance for Children (D.C. Official Code § 4-205.05a); Interim Disability Assistance (D.C. Official Code § 4-204.07); and Program on Work, Employment and Responsibility (D.C. Official Code § 4-205.78). The rules also amend 29 DCMR § 5814.5 to refer to the new payment levels enumerated in Chapter 72.

The purpose of the rule is to modify the District of Columbia's public assistance payment levels for District of Columbia residents who have been participating in the TANF program, General Assistance for Children, IDA, and POWER public benefit programs. The rules increase payment levels by the Consumer Price Index for All Urban Consumers for all items from the preceding calendar year in accordance with D.C. Official Code § 4-205.52(d-1)(2) (2019 Repl.). In addition, the rules modify specific sections of 29 DCMR § 5814.5 to direct the application of the modified payment levels for public benefits, pursuant to Chapter 72.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on November 22, 2019, at 66 DCR 015542. DHS did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on December 23, 2019. No changes have been made to the text of the rules since published as proposed.

These rules were adopted as final on February 7, 2020, and shall take effect upon publication of this notice in *D.C. Register*.

Chapter 72, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS

7200.1 For the purposes of payments under Temporary Assistance for Needy Families (TANF) (D.C. Official Code § 4-205.52), Program on Work, Employment and

Responsibility (D.C. Official Code § 4-205.78), General Assistance for Children (D.C. Official Code § 4-205.05a) and Interim Disability Assistance (D.C. Official Code § 4-204.07) (public assistance payments), effective October 1, 2019, the District of Columbia's payments levels are adjusted as set forth in § 7200.2.

7200.2 Pursuant to D.C. Official Code § 4-205.52(d), the payment levels set forth in this subsection shall apply to public assistance payments made after October 1, 2019.

Family Size	Standards of AssistancePayment Level	
1	\$ 450	\$414
2	\$ 560	\$515
3	\$ 712	\$658
4	\$ 870	\$804
5	\$ 1,002	\$928
6	\$ 1,178	\$1,091
7	\$ 1,352	\$1,251
8	\$ 1,494	\$1,382
9	\$ 1,642	\$1,522
10	\$ 1,786	\$1,653
11	\$ 1,884	\$1,743
12	\$ 2,024	\$1,875
13	\$ 2,116	\$1,959
14	\$ 2,232	\$2,066
15	\$ 2,316	\$2,146
16	\$ 2,432	\$2,255
17	\$ 2,668	\$2,471
18	\$ 2,730	\$2,529
19	\$ 2,786	\$2,579

7200.3 [REPEALED].

7200.4 Effective October 1, 2017 through March 31, 2018, the payment levels set forth in this subsection shall apply to recipients who have received TANF benefits for more than sixty (60) months:

Family Size	Standards of AssistancePayment Level	
1	\$ 450	\$109
2	\$ 560	\$138
3	\$ 712	\$174
4	\$ 870	\$214
5	\$ 1,002	\$246
6	\$ 1,178	\$290
7	\$ 1,352	\$332
8	\$ 1,494	\$367

9	\$ 1,642	\$404
10	\$ 1,786	\$438
11	\$ 1,884	\$462
12	\$ 2,024	\$497
13	\$ 2,116	\$520
14	\$ 2,232	\$547
15	\$ 2,316	\$568
16	\$ 2,432	\$597
17	\$ 2,668	\$654
18	\$ 2,730	\$669
19	\$ 2,786	\$683

7200.5 Effective April 1, 2018, the payment levels set forth in § 7200.2 shall apply to recipients who have received TANF benefits for more than sixty (60) months.

Section 5814, INCOME DISREGARDS, of Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, is amended as follows:

Subsection 5814.5 is amended to read as follows:

5814.5 After application of these disregards in § 5814.4, the remaining income shall be compared to the Standard of Assistance for the applicable family unit size as specified in the District of Columbia Public Assistance Act of 1982, as amended. If the remaining income is less than the Standard of Assistance, the income shall be compared to the payment standard for the applicable family unit size as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made beginning on October 1, 2019.

OFFICE OF TAX AND REVENUE**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, pursuant to the authority set forth in D.C. Official Code § 47-874 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the final action to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend Section 311 (Notice to Taxpayers) to require electronic filing of assessment appeals by tax representatives to streamline the assessment appeal process and case tracking.

The rulemaking was published as a proposed rulemaking in the *D.C. Register* on January 3, 2020 at 67 DCR 49. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on February 11, 2020 and will be effective upon publication in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

New Subsection 311.5, of Section 311, NOTICE TO TAXPAYERS, is added to read as follows.

311.5 Appeals (for which a letter of agent authorization is submitted or shall be submitted) shall be filed electronically where the agent or agent's employer submits five (5) or more appeals during any tax year. For the purposes of this section, the term "agent" and the phrase "agent's employer" means any person which represents a real property owner, whether itself or through its employees, during an assessment appeal for which the person does not have an equity interest in, either directly or indirectly, or is not directly employed by, the real property owner.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (“DDOT”), pursuant to the authority set forth in Sections 5(3)(A) (providing for a safe transportation system); 6(b) (transferring to DDOT the traffic management function previously delegated to the Department of Public Works (DPW) under Section III (H) of Reorganization Plan No. 4 of 1983); and 7 (making Director of DDOT the successor to transportation related authority delegated to the Director of DPW, including authority delegated pursuant to Section IV(A) of that plan which, in turn, incorporated the authority set out in IV(G) of Reorganization Plan No. 2 of 1975) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(3)(D), 50-921.05(b), and 50-921.06 (2014 Repl. & 2019 Supp.)), hereby gives notice of the intent to adopt amendments to Chapter 22 (Moving Violations) and Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

This final rulemaking amends Title 18 DCMR to improve bicycle and passenger safety and further pursue the District’s Vision Zero goal for transportation safety by clarifying: rules related to restricted and bicycle lanes; and that a person may not stop, stand, or park or engage in loading and unloading activities in a bicycle lane unless at the direction of a police officer or traffic control device.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 8, 2019 at 66 DCR 1906, with a thirty (30)-day public comment period. The District Department of Transportation thoroughly reviewed and considered all public feedback throughout this rulemaking process. DDOT received public comments from 101 total commenters.

Supportive commenters described the safety benefits of prohibiting vehicles from stopping and standing in bike lanes to perform pickup, drop off, loading, and unloading activities and stressed the need for adequate enforcement to realize the intended benefits of the rulemaking. Advisory Neighborhood Commissions 6C and 1A, in addition, expressed support for expanding pickup and drop off (PUDO) zones, an improved mechanism to report violations, and a penalty to be associated with the violation. DDOT agrees that this rulemaking would create a safer environment for all users of the public right-of-way and that adequate enforcement is essential to achieve the desired safety outcome.

Opposing commenters described their need to be as close as possible to the curbside to perform pickup and drop off activities, even if that means parking and standing in a bike lane in consideration of the elderly or disabled. Although DDOT understands the desire to be as close as possible to the curbside, the agency maintains that stopping and standing in the bike lane is unsafe for all users of the public right-of-way, to include cyclists, personal mobility device (PMD) users, and those entering and exiting a vehicle, because the practice creates unanticipated conflicts for all users and runs counter to what travelers assume are the requirements. The purpose of this final rulemaking is to clarify that under virtually all circumstances, stopping, standing, parking, passenger loading and unloading, and other obstructions of bicycle lanes is

prohibited. These rules better align with DDOT's Vision Zero goals of safety as the top priority for travelers engaged in active transportation.

At the suggestion of partner agencies, DDOT added language to the rulemaking to reinforce the existing requirement that a motorist yield to the right-of-way of authorized emergency vehicles making use of audible and visual signals, pursuant to 18 DCMR § 2210.

DDOT received official resolutions from the following Advisory Neighborhood Commissions (ANCs): 6C and 1A. Pursuant to the District of Columbia Administrative Procedure Act, DDOT accorded "great weight" to these comments.

ANC 6C Resolution

ANC 6C submitted a resolution strongly supporting the objectives of the proposed rulemaking and noted the need for a penalty to be associated with the violation.

This rulemaking does not create new violations because stopping, standing, or parking a vehicle in a bicycle lane is encompassed by an existing violation, 18 DCMR § 2405.1. Through a separate rulemaking, DDOT will establish "Stopping, standing, or parking a vehicle in a bicycle lane or shared use path" as a non-moving violation and the fine will be \$150.00.

ANC 1A Resolution

ANC 1A supports the rulemaking and emphasizes the need for education and enforcement. The ANC also advocated for an expansion of curbside space dedicated to pickup and drop off activity (PUDO zones) and would like to see an improved mechanism through which citizens can report violations.

As demand for curbside space is rapidly changing, DDOT will assess the successes and challenges presented by existing PUDO zones and evaluate their feasibility going forward. In October of 2017, DDOT piloted a nighttime PUDO zone in Dupont Circle to study how PUDO zones help decrease congestion, instances of double-parking, and other unsafe behaviors and maneuvers. In October of 2018, the pilot program was expanded to five additional locations effective 24-hours. And, most recently, between August and October of 2019, DDOT expanded that pilot to nine additional locations with an emphasis on commercial loading and unloading activities; in this rendition of the pilot, DDOT partnered with the private sector to designate curbside space that commercial vehicles could reserve for their loading and unloading activities. The intent is to foster safe practices around these activities and avoid instances of blocking a bike lane or travel lane and double-parking. As this 12-week pilot has ended, DDOT will begin assessing data and information to make future decisions to increase efficiency and safety for all users of the curbside.

Through separate programmatic activities not encompassed by this rulemaking, DDOT and enforcement entities like the Metropolitan Police Department, the Department of For-Hire Vehicles, and the Department of Public Works (DPW) will conduct the education and enforcement necessary to foster a high rate of compliance with these regulations prohibiting stopping, standing, and parking in a bike lane. To improve enforcement, DPW has added 12 additional parking enforcement officers and has removed the requirement that a citation be

physically placed on an offending vehicle to properly notice an infraction. Changing the notice requirement in this way has allowed DPW to legally notice a citation by photographing the violation and mailing the citation to the vehicle's registered address. Previously, a barrier to effective enforcement had been instances of offending vehicles leaving a location before a citation can be placed on the vehicle, itself, by an officer. With that requirement removed, DPW can more effectively cite violations and enhance rates of compliance.

DDOT's regulatory change, removing the exception permitting stopping, standing, and parking in a bike lane to avoid conflict with traffic, combined with DPW's additional enforcement capacity and mechanisms, will improve responsiveness to reported violations and enhance rates of compliance with parking regulations. Developing additional means to report violations is outside the scope of this rulemaking; however, DDOT will continue to work closely with enforcement authorities and the Office of Unified Communications to ensure that violations can be reported by the public effectively and cited by enforcement authorities efficiently.

Once these regulations are in effect, DDOT anticipates enforcement officers being better equipped to issue citations for current violations as these regulations close the loophole permitting stopping, standing, and parking in a bike lane in order to avoid conflict with traffic.

The Director adopted these rules as final on October 3, 2019, and they shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 22, MOVING VIOLATIONS, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 2220, RESTRICTED LANES, is amended as follows:

Subsection 2220.7 is added to read as follows:

2220.7 Notwithstanding the provisions set forth in §§ 2220.1 – 2220.6 of this section, no vehicle may enter a bicycle lane for any purpose other than when necessary to execute safely the following maneuvers:

- (a) To turn into a private road;
- (b) To turn into an alley or driveway, provided the turn shall be made as close as practicable to the alley or driveway;
- (c) To turn onto an intersecting roadway, provided the turn shall be made as close as practicable to the intersecting roadway, but no further than twenty-five (25) feet from the intersection;
- (d) To enter a legal parking space or a legal area for stopping or standing a vehicle;
- (e) To follow the directions of a police officer; or

- (f) To comply with 18 DCMR § 2210.

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, is amended as follows:

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

Subsection 2405.1 is amended to read as follows:

2405.1 Notwithstanding any other parking regulation, no person shall stop, stand, or park a motor vehicle or trailer in any of the following places, except when necessary to avoid conflict with other traffic, or at the direction of a police officer or traffic control device:

- (a) Within an intersection;
- (b) On a crosswalk;
- (c) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (d) Upon any bridge, viaduct, or other elevated structure, freeway, highway tunnel, or ramps leading to or from such structures, or within a highway tunnel;
- (e) On any median, channelizing island, or safety zone, whether made of concrete, grass, or other material and with curbs or otherwise delineated by solid yellow or white lines;
- (f) In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrians or other lawful traffic upon any sidewalk;
- (g) On the sidewalk; provided, that a motor-driven cycle may be parked on the sidewalk if it:
 - (1) Is outside of the Central Business District, as defined by Subsection 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1);
 - (2) Is not attached to any tree, tree box, or planting area; and

- (3) Does not block the path of pedestrians and maintains an ADA compliant clearance from any other obstruction, as defined in Section 4.3 of the ADA Accessibility Guidelines;
- (h) On the streetcar guideway or adjacent to a streetcar platform, as defined by Subsection 1699.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 1699.1); or
- (i) In a bus lane.

Subsection 2405.2 is amended to remove the following phrase from the introductory paragraph:

“when necessary to avoid conflict with other traffic, or”

Subsection 2405.3 is amended to remove the following phrase from the introductory paragraph:

“otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or freight”

A new Subsection 2405.8 is added to reads as follows:

2405.8 Notwithstanding the provisions set forth in §§ 2405.1 – 2405.7 of this section, no vehicle may stop, stand, or park in a bicycle lane; provided that stopping is permitted only when necessary to enter into a legal parking space, to follow the directions of a police officer, or to comply with 18 DCMR § 2210.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY;

RM-09-2020-02, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING;

RM-13-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 13 — RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980;

RM-29-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 29 — RENEWABLE ENERGY PORTFOLIO STANDARD;

RM-36-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 36 — ELECTRICITY QUALITY OF SERVICE STANDARDS;

RM-40-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES;

RM-41-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 41 — THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES;

RM-42-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 42 — FUEL MIX AND EMISSIONS DISCLOSURE REPORTS; AND

RM-44-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 44 — SUBMETERING AND ENERGY ALLOCATION,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code (D.C. Official Code) and in accordance with Section 2-505 of the D.C. Official Code,¹ of its intent to amend the following provisions of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR): Chapter 9 (Net Energy Metering); Chapter 13 (Rules Implementing the Public Utilities Reimbursement Fee Act of 1980); Chapter 29 (Renewable Energy Portfolio Standard); Chapter 36 (Electricity Quality of Service Standards); Chapter 40 (District of Columbia Small Generator Interconnection Rules); Chapter 41 (The District of Columbia Standard Offer Service Rules); Chapter 42 (Fuel Mix and Emissions Disclosure Reports); and Chapter 44 (Submetering and Energy Allocation). The purpose of the amendments is to clearly define “Advanced inverters” and “Non-wires alternative” in the several rules in which the terms appear. All persons interested in commenting on the content of this

¹ D.C. Official Code § 34-802 (2019 Repl.); D.C. Official Code § 2-505 (2016 Repl.).

Notice of Proposed Rulemaking (NOPR or Notice) are invited to submit written comments no later than thirty (30) days after publication in the *D.C. Register*.

2. On May 31, 2019, the Modernizing the Energy Delivery System for Increased Sustainability (MEDSIS) Working Groups submitted to the Commission its Final Report containing thirty-two (32) recommendations and ten (10) learnings. In response to two (2) of the recommendations, the Commission, by Order No. 20286, approved the recommendation to finalize and issue the proposed definitions of “Advanced inverters” and “Non-wires alternative” as shown below.

Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

In Subsection 999.1 of Section 999, DEFINITIONS, of Chapter 9, NET ENERGY METERING,

Subsection 1399.1 of Section 1399, DEFINITIONS, of Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980,

Subsection 2999.1 of Section 2999, DEFINITIONS, of Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD,

Subsection 3699.1 of Section 3699, DEFINITIONS, of Chapter 36, ELECTRICITY QUALITY OF SERVICE STANDARDS,

Subsection 4099.1 of Section 4099, DEFINITIONS, of Chapter 40, DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES,

Subsection 4199.1 of Section 4199, DEFINITIONS, of Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES,

Subsection 4299.1 of Section 4299, DEFINITIONS, of Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, and

Subsection 4499.1 of Section 4499, DEFINITIONS, of Chapter 44, SUBMETERING AND ENERGY ALLOCATION,

the definitions for “Advanced inverters” and “Non-wires alternative” are added to read as follows:

“Advanced inverters” means inverters with a digital architecture, bidirectional communications, and software that enables functionalities providing autonomous grid support and enhance system reliability, along with the capability to adjust their operational set points in response to the changing characteristics of the grid through dedicated communications protocols and standards. Advanced inverters must enable, at the minimum, the following functionalities, as defined in IEEE Standard 1547-2018: dynamic and real power support, voltage ride-through, frequency ride-through, voltage support, frequency support, and ramp rates.

“**Non-wires alternative (NWA)**” means any action or strategy in the energy delivery system domain that uses non-traditional transmission and/or distribution solutions--such as distributed generation, energy storage, energy efficiency, demand response, and grid software and controls--with the intent to defer or replace the need for specific energy delivery system equipment investments. An NWA must meet energy delivery system needs and be more cost-effective than traditional transmission and/or distribution solutions, consistent with the guiding principles of MEDSIS. An NWA must be sustainable, prudently-planned, secure, affordable, and non-discriminatory.

3. Any person interested may submit written comments on this NOPR not later than thirty (30) days after publication of this Notice in the *D.C. Register* with 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.dcpSC.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission’s website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF SEVENTH EMERGENCY RULEMAKING

The Director of the District of Columbia (“District”) Department of Human Services (“Department”), pursuant to the authority set forth in Sections 31 and 31c of the Homeless Services Reform Act of 2005 (“HSRA” or “Act”), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-756.02 and 4-756.05 (2019 Repl.)), and Mayor’s Order 2006-20, dated February 13, 2006, gives notice of the Department’s adoption, on an emergency basis, of the following new Chapter 79 (Flexible Rent Subsidy Pilot Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), to become effective immediately.

The Flexible Rent Subsidy Pilot Program, which subsequently shall be referred to as the DC Flex Program (and “Program” throughout this rule), is a four-year pilot program that provides financial assistance to households to support their ability to pay monthly rental expenses, especially during periods of income volatility, in order to promote long-term housing stability. Training on budgeting and money management will be offered to households enrolled in the Program. The purpose of the new chapter is to establish rules to administer the Program.

These rules were first published as emergency and proposed in the *D.C. Register* on April 27, 2018, at 65 DCR 4663, were adopted on January 24, 2018, and became effective on that date. Emergency rules were subsequently published on June 1, 2018, at 65 DCR 6057; December 28, 2018, at 65 DCR 14135; March 8, 2019, at 66 DCR 2779; July 19, 2019, at 66 DCR 8389; and November 1, 2019, at 66 DCR 14442. Proposed Rulemaking identical to this Emergency Rulemaking was introduced by Chairman Mendelson at the request of the Mayor on December 11, 2019, as PR 23-610, published in the *D.C. Register* as a Notice of Intent to Act on December 20, 2019, at 66 DCR 16315, and will be deemed approved on March 4, 2020, unless the Council disapproves the proposed rulemaking prior to that time.

This rulemaking is identical to the previous emergency rulemaking, which reflected changes to Program requirements in response to 1) public comments received after publication of the original proposed rulemaking and 2) the Department’s experience with the initial stages of implementing the Program under emergency rulemaking. The objectives and policy goals of the Program remain unchanged. Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), is necessary to allow the Department to continue to operate the Program as the Department reviews comments in response to the proposed rulemaking, and to finalize the proposed rules. Therefore, taking emergency action under these circumstances will promote the immediate preservation of the health, safety, and welfare of District residents who are at risk of experiencing homelessness by permitting the Department to continue to support their efforts to maintain permanent housing.

DHS adopted the emergency rules on December 13, 2019, and they became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days from the adoption date or until April 13, 2020, unless superseded by publication of a Notice of Final

Rulemaking in the *D.C. Register*. If approved, the Department shall publish the effective date with the Notice of Final Rulemaking.

Add the following new Chapter 79, FLEXIBLE RENT SUBSIDY PILOT PROGRAM, to Title 29 DCMR, PUBLIC WELFARE, to read as follows:

CHAPTER 79 FLEXIBLE RENT SUBSIDY PILOT PROGRAM

7900 SCOPE

7900.1 The purpose of the Flexible Rent Subsidy Pilot Program, which subsequently shall be referred to as the DC Flex Program (and “Program” throughout this rule), is to support households that are at risk of experiencing homelessness to achieve stability in permanent housing. The Program provides financial assistance to each enrolled head of household in the instances where there is a gap between the total monthly rent expenses and the household’s funds available for rent. The financial assistance is payable only to the households, with the exception noted in § 7905.11(b).

7900.2 The Department shall be responsible for the implementation of this chapter, which shall apply to all financial assistance provided through the Department pursuant to the Program.

7900.3 The Program shall operate for four years, beginning in Fiscal Year 2018.

7900.4 One person per household is eligible to enroll his or her household in the Program. This person shall be considered the head of household.

7900.5 The provisions of this chapter describe eligibility criteria; the application process; assistance determination; description of assistance provided and how it is administered; recertification requirements; and appeal procedures for the Program.

7900.6 Nothing in these rules shall be interpreted to mean that Program assistance is an entitlement. This Program shall be subject to annual appropriations and the availability of funds.

7900.7 The Department may execute contracts, grants, and other agreements as necessary to carry out the Program.

7901 ELIGIBILITY CRITERIA

7901.1 Only one person who is twenty-one (21) years old or older at the time of application per household is eligible to enroll his or her household in the Program. This person shall be considered the head of household.

- 7901.2 A household is composed of individuals who live in the same physical housing unit as the applying head of household, and shall include:
- (a) Persons related by blood or legal adoption with legal responsibility for minor children in the household;
 - (b) Persons related by marriage or domestic partnership (as defined by Section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)), including stepchildren and unmarried parents of a common child who live together;
 - (c) Persons with a legal responsibility for an unrelated minor child or an unrelated adult with a disability; and
 - (d) Any person not included by § 7901.2(a)-(c), regardless of blood relationship, age, or marriage, whose history and statements reasonably demonstrate that the individuals intend to remain together in the same household and whose income contributes to total household expenses.
- 7901.3 An otherwise eligible person temporarily away from the housing unit due to employment, school, hospitalization, incarceration, legal proceedings or vacation shall be considered to be living in the household. A minor child who is away at school is considered to be living in the household if he or she returns to the housing unit on occasional weekends, holidays, school breaks, or during summer vacations.
- 7901.4 To establish initial eligibility for the Program, a household must:
- (a) Reside in the District of Columbia, as defined by Section 2(32) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(32)), at the time of application;
 - (b) Demonstrate risk of homelessness as evidenced by:
 - i. Previous application for at least one emergency or temporary government-funded housing or rental assistance program administered by the District, including the Emergency Rental Assistance Program, the Homelessness Prevention Program, or the Family Re-Housing and Stabilization Program, within the last 48 months; and
 - ii. Having a total annual income less than or equal to thirty percent (30%) of the Median Family Income for the District, which is a periodic calculation provided by the United States Department of Housing and Urban Development; and

- (c) Be headed by a person that is twenty-one (21) years old or older at the time of application, and who meets the following requirements:
- i. Has physical custody of one or more minor children;
 - ii. Is currently employed or has recent history of employment; and
 - iii. Is the lease holder for a rental unit.

7901.5 The applicant may be enrolled in a government-funded rental assistance program administered by the District at the time of application. However, if selected for the Program, no household member may be enrolled in both the Program and another District or federal government-funded rental assistance program at the same time. Enrollment in the Program shall not preclude receipt of shelter or rental assistance after participation in the Program has ended.

7902 HOUSEHOLD OUTREACH

7902.1 The Department will conduct outreach to households with an estimated high likelihood of meeting the eligibility criteria listed in § 7901, to inform these households about the Program and to determine potentially eligible households' interest in Program enrollment.

7902.2 Households that receive information about the Program shall be identified by the Department through administrative data contained in applications completed by households seeking or enrolled in government-funded housing or government-funded emergency rental assistance programs administered by the District.

7902.3 The Department will conduct outreach via the US Postal Service, telephone, email, SMS text messages, or other communication means determined by the Department.

7902.4 Outreach communications will invite households interested in Program enrollment to submit an application as described in § 7903 to the Department via a web-based portal, US Postal Service, or in person at a physical site determined by the Department.

7902.5 Outreach communication shall contain or provide a hyperlink to a description of the Program, the application and enrollment process, responsibilities of the Department and the Provider used to manage the Program, and Program participation requirements, including each applicant's involvement in budget and financial management activities.

7903 APPLICATION AND SELECTION PROCESS

- 7903.1 Each household interested in enrolling in the Program shall complete an application form provided by the Department that is signed by the head of household. An authorized representative may apply on behalf of the applying household if the applying head of household provides a written and signed statement stating why he or she cannot personally complete the form and the name and address of the person authorized to act on his or her behalf.
- 7903.2 If the applicant has a disability or the authorized representative of the applicant with a disability requests assistance to complete the application, the Department shall assist such applicant or authorized representative with the application process to ensure that the applicant has an equal opportunity to submit an application.
- 7903.3 The Director of the Department will determine the number of applications that will be accepted for the Program, which is contingent on available funding. If at any point the Department receives additional funding for the program, the Department may reopen the application process at that time for new applications.
- 7903.4 Household enrollment shall follow a two-step process. The first step shall require the applying person to complete and submit a web-based or paper application to the Department as notification of his or her household's enrollment interest and self-reported eligibility in order to be selected. The second step shall require selected households to submit documentation to the Department that enables the Department or its designee to verify information on the household's application and Program eligibility criteria included in § 7901 of this chapter.
- 7903.5 The application will include questions that require the applicant to attest to the Program eligibility criteria listed in § 7901, and may also request the applicant to provide the following:
- (a) Identifying information;
 - (b) Contact information;
 - (c) Household composition;
 - (d) Current income;
 - (e) Current monthly rent expense;
 - (f) Address of current rental unit;
 - (g) Consent to release information; and

- (h) Any additional information deemed necessary by the Department.
- 7903.6 Due to limited Program availability during the pilot period, the Department will administer one or more assignment lotteries to determine which applying households are offered one of the available Program slots using the method described in § 7903.5, § 7903.7, and § 7903.8.
- 7903.7 The results of the Program's pilot period will be evaluated to understand its effectiveness in supporting households' long term housing stability. To increase the probability that the Program will be successful if expanded to enroll more households, the lottery will be structured so that the characteristics identified on the applications of the group of households offered a Program slot are similar to the characteristics identified on the application of all households that applied for the Program.
- 7903.8 After the lottery is completed, the Department will offer available Program slots to households selected by the lottery. The Department will notify selected households via the US Postal Service, telephone, email or another communication mode determined by the Department. These Program slots are conditional, and are only official after the household responds to the Department's notice of the conditional offer and successfully completes the Program eligibility process described in § 7904. If a household fails to respond within the given timeframe, or after verification the household does not meet eligibility requirements for the Program, an additional household will be selected based on the method described in § 7903.10, until all slots have been filled.
- 7903.9 Each household selected for the Program will have fifteen (15) calendar days from the date of notice to respond to the Department via telephone, email or another communication mode determined by the Department. Each household's response to the Department shall convey whether the household:
- (a) Accepts the conditional Program slot offer and intends to complete the Program eligibility process; or
 - (b) Declines the conditional Program slot offer.
- 7903.10 Any household that declines the offer for the Program slot, fails to provide a response to the Department within fifteen (15) calendar days of Program selection notice, or fails to meet the Program eligibility process described in § 7904, will lose their spot on the lottery result list, and the next household on the list will be offered the slot, until all slots have been filled.
- 7903.11 Any household that submits an application for Program enrollment will receive one or more of the following notices, as applicable:

- (a) DC Flex Program: Notice of Ineligibility to Enter Lottery;
- (b) DC Flex Program Lottery Results: Conditional Offer of Enrollment;
- (c) DC Flex Program Lottery Results: Household Not Selected;
- (d) DC Flex Program: Notice of Enrollment in the Program;
- (e) DC Flex Program Enrollment: Unable to Verify Eligibility; and
- (f) DC Flex Program Enrollment: Notice of Termination.

7903.12 Any household that submits an application for Program enrollment, but is not enrolled as a result of the processes described in § 7903.5 – 7903.10 will receive oral and written notice via US Postal Service. Written notice shall be one or more of the notices listed in § 7903.11, as applicable, which shall include:

- (a) A clear statement of the client’s application status, eligibility status, or termination from the Program;
- (b) A clear and detailed statement of the factual basis for the action described in the notice, including the date or dates on which the basis or bases for the denial occurred;
- (c) A reference to the statute, regulation, policy, or Program Rule pursuant to which the denial is being implemented;
- (d) A clear and complete statement of the client’s right to appeal the action through fair hearing and administrative review proceedings pursuant to § 7910, or the client’s right to reconsideration pursuant to rules established by the Provider in accordance with Section 18 of the HSRA (D.C. Official Code § 4-754.32), including the appropriate deadlines for instituting the appeal or reconsideration; and
- (e) A statement of the client’s right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to § 7910.3.

7903.13 Any household that submits an application for Program enrollment and successfully completes the application and eligibility verification processes described in §§ 7903.5 – 7903.10 and § 7904, shall receive the type of written notice from the Department listed at §7903.11(d). This notice shall include the information listed in § 7904.9.

7903.14 Any household that submits an application for Program enrollment, is enrolled in the Program, but is terminated from Program enrollment, as described in § 7908.2, shall receive the type of written notice from the Department listed at § 7903.11(f). This notice shall include the information listed in § 7908.3.

7904 ELIGIBILITY VERIFICATION AND PROGRAM ENROLLMENT

7904.1 From each household offered a Program slot, the Department shall request documentation that will enable the Department to verify eligibility for the Program. The Department will contact each household through the US Postal Service, email, telephone or other means determined by the Department.

7904.2 Documentation that the Department shall use to verify eligibility for the Program may include, but is not limited to:

- (a) Birth certificates;
- (b) District identification;
- (c) Child custody reports;
- (d) Copy of a current, valid lease agreement specifying the landlord's name and contact information, and the head of household's name;
- (e) Pay stubs for the most immediate past two (2) months prior to Program application; and
- (f) Earned Income Tax Credit filing for most immediate tax-year prior to Program application.

7904.3 In addition to documents listed in § 7904.2, the Department may use in-person interviews and third party information to verify Program eligibility.

7904.4 Each head of household offered a Program slot shall also sign and submit to the Department a release form, either personally or through an authorized representative, which authorizes the Department to obtain or verify information necessary to confirm Program eligibility.

7904.5 If further information is needed from the household to verify Program eligibility, the Department shall request additional information by telephone, email or US Postal Service. This request shall specify the information needed to complete the household's eligibility verification and the timeframe in which the additional documentation must be provided to the Department.

- 7904.6 The Department will notify the household once all requested documentation needed to verify eligibility has been received.
- 7904.7 If a household has not obtained and provided to the Department the requested information needed to verify eligibility for the Program within thirty (30) calendar days of the date of the Conditional Offer of Enrollment, as listed in § 7903.11(b), the household will lose its spot on the list and a new household will be offered the subsidy, as described in § 7903.10.
- 7904.8 The Department shall determine the eligibility in as short a time as feasible, but not later than ten (10) business days after receipt of all requested information by the Department.
- 7904.9 If a household successfully completes the application and eligibility verification processes described in § 7903 and this section, the Department shall give to the applicant, directly or through an authorized representative, a written notice entitled “DC Flex Program: Notice of Enrollment in the Program”, as listed in § 7903.11(d), which shall state:
- (a) That the applicant is determined eligible and is enrolled in the Program;
 - (b) That receipt of Program assistance is conditioned upon the head of household’s participation in all required Program activities as may be described in the Program Rules established in accordance with Section 18 of the HSRA (D.C. Official Code § 4-754.32);
 - (c) The length of time for which the Program’s subsidy will be provided, per the applicant’s successful compliance with the Program recertification criteria set forth in § 7906; and
 - (d) Name and contact information for the Provider that the Department will use to administer the Program.
- 7904.10 Upon a household’s enrollment in the Program, the Department will facilitate the household’s transition from any other District or federal government rental assistance program to ensure the household’s compliance with the eligibility requirement set forth in § 7901.5.
- 7904.11 At the discretion of the Director, a household may receive an extension on the timeline described in the application and eligibility verification process requirements described in § 7903.9, § 7903.10 or § 7904.7, for a demonstrated reason of good cause. For the purposes of this subsection, “good cause” means:
- (a) Serious illness or injury of household member or immediate family member;

- (b) Death of household member or immediate family member;
- (c) Incarceration or detention of household member; or
- (d) Other crisis, emergency, or unavoidable circumstances that prevented the timely completion of the eligibility verification process.

7905 PROGRAM ADMINISTRATION

- 7905.1 The Department shall issue a competitive grant solicitation to select an Provider for the Program.
- 7905.2 The Department will determine what percentage of the annual allotment shall be dedicated to the Provider's allowable administrative fees, as described in § 7905.3, and the remaining total that shall be used for household financial assistance.
- 7905.3 The percentage of the annual allotment dedicated for the Provider's allowable administrative fees shall be used to pay for costs that are associated with the general operation of the Program and that cannot be attributed to any one enrolled household. These administrative fees may include:
- (a) Staff salaries and fringe benefits;
 - (b) Overhead expenses, which may include, but are not limited to, supplies and IT equipment;
 - (c) Local travel for duties associated with program administration/oversight; and
 - (d) Other expenses agreed upon by the Department and Provider, consistent with District and federal law.
- 7905.4 The Department will refer households enrolled in the Program to the Provider.
- 7905.5 The Provider shall make available at least one in-person budgeting or financial management training for enrolled households within the first three (3) months of each household's enrollment into the Program, and monitor the enrolled households' participation in this training and others, if provided. If the Provider does not administer its own such training, the Provider may secure this type of training from another entity and coordinate the enrolled household's participation in this training. The Provider shall also make financial coaching or consultation opportunities available to clients in a manner approved by the Department.

- 7905.6 The Provider shall use the available granted funds to set up an escrow account and checking account for each enrolled household. The escrow account shall be solely administered by the Provider on behalf of the head of household. The checking account shall be a joint account administered by the Provider and head of household.
- 7905.7 The Provider shall assist the head of household to secure checks or a debit card linked to the checking account in the name of the head of household.
- 7905.8 The Provider will receive seven thousand two hundred dollars (\$7,200) per year for each household enrolled in the Program. A year shall be defined as a twelve (12) month cycle, with the first month of the year dependent on the household's enrollment in the program. Based on the availability of funds, the Department reserves the right to adjust, by rule, the amount of funding provided to each enrolled household.
- 7905.9 Upon a household's enrollment into the Program, the Provider shall transfer seven thousand two hundred dollars (\$7,200), or a different amount established by rule pursuant to § 7905.8, into an escrow account it has established and will solely administer on behalf of that head of household. The Provider shall then transfer funds from the escrow account into the household's checking account each month so that funds available to the household equal the total cost for one month's rent amount, per terms of the household's lease.
- 7905.10 Each month, the head of household can access the full amount available in the checking account (if needed), or a lesser amount needed to bridge any gap between their monthly income available for rent and their actual monthly rent expenses. A head of household may choose not to use any of the available funds. Any amount not used in one month rolls over and is available for future use throughout the year.
- 7905.11 If a household meets the Program Recertification requirements described in § 7906, does not owe rental arrears on their unit, and has Program funds remaining at the end of the Program year, the household may:
- (a) Apply all of the remaining funds for use in the next annual Program year cycle, or
 - (b) Withdraw up to five hundred dollars (\$500) of the remaining funds for other household expenses and apply the remaining funds for use in the next annual Program year cycle.
- 7905.12 If the household has funds remaining, in either the escrow account administered on behalf of the household or the household's checking account or both, at the

end of the Program pilot period and does not owe rental arrears on their unit, the household may use the funds to pay for rent.

7905.13 Table 1 below provides an example of the process described in §§ 7905.9 – 7905.12.

At the beginning of the Program, Year 1, an annual total lump sum of seven thousand two hundred dollars (\$7,200) is deposited into the escrow account for Household X. The monthly rent total for Household X is \$1,600. Over the twelve (12) month year, the Provider transfers funds from the escrow account as necessary to maintain a balance of \$1,600 in the joint checking account held with Household X. Household X’s monthly income fluctuates, and in some months there is not enough money to pay the total rent amount. In the months when Household X’s available income is less than the total rent amount of \$1,600, the Household uses funds available in its checking account. At the end of Year 1, Household X has a remaining balance of four hundred dollars (\$400).

Table 1: Year 1- Monthly Rent Amount = \$1,600

	Savings (Escrow) Balance	Amount of Program Subsidy Transferred to Checking Account	Amount Accessible by Household via Checking Account	Amount of Program Subsidy Used by Household	Amount Paid by Household	Amount Remaining in Checking Account at End of Month
Month 1	\$7,200	\$1,600	\$1,600	\$1,000	\$600	\$600
Month 2	\$5,600	\$1,000	\$1,600	\$1,000	\$600	\$600
Month 3	\$4,600	\$1,000	\$1,600	\$500	\$1,100	\$1,100
Month 4	\$3,600	\$500	\$1,600	\$300	\$1,300	\$1,300
Month 5	\$3,100	\$300	\$1,600	\$0	\$1,600	\$1,600
Month 6	\$2,800	\$0	\$1,600	\$0	\$1,600	\$1,600
Month 7	\$2,800	\$0	\$1,600	\$600	\$1,000	\$1,000
Month 8	\$2,800	\$600	\$1,600	\$400	\$1,200	\$1,200
Month 9	\$2,200	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 10	\$1,800	\$400	\$1,600	\$800	\$800	\$800
Month 11	\$1,400	\$800	\$1,600	\$1,600	\$0	\$0
Month 12	\$600	\$600	\$600	\$200	\$1,400	\$400

7905.14 Table 2 below provides a continuance of the example shown in Table 1. Household X does not owe rental arrears on their unit and decides to add the remaining four hundred dollars (\$400) from Year 1 to the total amount deposited into Household X’s escrow account for the following year, Year 2. The addition of the four hundred dollars (\$400) from Year 1 is reflected in the escrow balance of Year 2, Month 1. The Year 2 starting balance equals the seven thousand two hundred dollars (\$7,200) of the annual Program assistance, plus the four hundred dollars (\$400) carried over from Year 1.

Table 2: Year 2- Monthly Rent Amount = \$1,600

	Savings (Escrow) Balance	Amount of Program Subsidy Transferred to Checking Account	Amount Accessible by Household via Checking Account	Amount of Program Subsidy Used by Household	Amount Paid by Household	Amount Remaining in Checking Account at End of Month
Month 1	\$7,600*	\$1,600	\$1,600	\$400	\$1,200	\$1,200
Month 2	\$6,000	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 3	\$5,600	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 4	\$5,200	\$400	\$1,600	\$0	\$1,600	\$1,600
Month 5	\$4,800	\$0	\$1,600	\$0	\$1,600	\$1,600
Month 6	\$4,800	\$0	\$1,600	\$1,600	\$0	\$0
Month 7	\$4,800	\$1,600	\$1,600	\$1,600	\$0	\$0
Month 8	\$3,200	\$1,600	\$1,600	\$1,200	\$400	\$400
Month 9	\$1,600	\$1,200	\$1,600	\$600	\$1,000	\$1,000
Month 10	\$400	\$400	\$1,400	\$400	\$1,200	\$1,000
Month 11	\$0	\$0	\$1,000	\$800	\$800	\$200
Month 12	\$0	\$0	\$200	\$200	\$1,400	\$0

7905.15 With the exception of end of year funds, the only eligible payee on the account will be the landlord of the unit the household lives in. The Provider will be responsible for monitoring account activity to ensure the head of household is using checking account funds to pay the landlord on record.

7905.16 The landlord must have a business license and a Certificate of Occupancy for the household’s unit that is in good standing.

7905.17 The household’s rental unit may be subject to required inspections as part of the requirement to be legally licensed and registered in the jurisdiction. The Department may offer or require additional inspections as part of the Program.

7905.18 The Provider shall establish a dispute resolution process for complaints households may raise related to the administration of the Program. This process shall be described in Program Rules.

7906 RECERTIFICATION REQUIREMENTS

7906.1 To remain eligible for the Program, each enrolled household shall complete a recertification process annually.

7906.2 A household shall remain eligible for the Program if the household continues to meet requirements set forth in sections § 7901.1 - 7901.3 and continues to be eligible for services under the Continuum of Care.

7906.3 Additionally, the household shall meet the following to remain eligible for the Program:

- (a) Has a total annual income less than or equal to the recertification income limit, based on the United States Department of Housing and Urban Development’s Median Family Income Limits for the Washington DC Metropolitan Region, to be published by DHS not less than annually. The recertification limit shall not be less than 40% of Family Median Income;
- (b) Is headed by a person that is twenty-one (21) years old or older, and who meets the following requirements:
 - i. Has physical custody of one or more minor children, or one or more youth that continues to reside in the household;
 - ii. Is currently employed or has recent history of employment; and
 - iii. Is the lease holder for a rental unit; and as the lease holder, does not face a housing emergency in which immediate action is necessary to avoid homelessness or eviction.
- (c) Has not accessed any non-Program source of emergency, temporary, or permanent government-funded rental assistance:
 - (1) Before exhausting its annual allotment of Program funds and any remaining Program funds from the previous year; or
 - (2) More than once during the previous year.

7906.4 The Provider shall conduct a recertification assessment of each household to confirm the household meets the Program’s recertification standards.

7906.5 If a household does not meet the recertification requirements set forth in this section, the Provider shall provide oral notice to the household. Additionally, the Provider shall provide written notice described in § 7903.11(f) to the household, via email or US Postal Service, at least fifteen (15) days before the effective date of the termination. This notice will specify the recertification requirements the household did not meet during its recertification assessment.

7907 RELOCATION

7907.1 At any point during the Program, a household may choose to relocate to a new unit that better meets the household’s needs. The household shall be responsible for updating the Provider and providing appropriate documentation of the new lease agreement. The Provider shall not approve the payment of funds to a new landlord until it has received appropriate documentation of the new lease.

7908 TERMINATION FROM PROGRAM

7908.1 Termination pursuant to this section refers to a termination of Program assistance only and does not provide the Provider or the Department with any authority to interfere with a household's tenancy rights under the lease agreement as governed by Title 14 of the District of Columbia Municipal Regulations.

7908.2 The Provider shall adopt Program Rules to provide additional guidance on the DC Flex Program. In accordance with the DC Flex Program Rules, which shall be signed by households at the time of Program enrollment, the Department or Provider may terminate Program assistance to a household, in compliance with Section 22 of the Act (D.C. Official Code § 4-754.36).

7908.3 If a household is terminated from the Program, the Provider shall provide oral notice to the household. Additionally, the Provider shall give to the household, personally or through an authorized representative, a written Notice of Termination at least fifteen (15) days before the effective date of the termination, which shall state:

- (a) The household is being terminated;
- (b) The effective date of the termination;
- (c) The reason or reasons for the termination, including the date or dates on which the basis or bases for the termination occurred;
- (d) The statute, regulation, or program rule under which the termination is being made;
- (e) That the household has a right to appeal the termination through a fair hearing and administrative review, including deadlines for requesting an appeal; and
- (f) That the household has a right to continuation of Program assistance pending the outcome of any fair hearing requested within fifteen (15) days of receipt of written notice of a termination, as described in § 7910.

7908.4 A household that is terminated from the Program will immediately lose access to any and all Program funds remaining in the escrow and checking account, subject to the right to continuation of Program assistance as described in § 7910.3.

7909 SUMMARY OF PROVIDER RESPONSIBILITIES

7909.1 The Provider is responsible for the following:

- (a) Establishing an escrow and checking account for each household enrolled in the Program;
- (b) Delivering directly, or coordinating with another entity to offer periodic budgeting or financial literacy training to each household and monitor the household's participation in these trainings;
- (c) Monitoring each household's monthly payment activity;
- (d) Providing each household with general referrals and reminders about resources available within the community;
- (e) Reviewing the eligibility of each household to ensure that the household remains eligible per the recertification standards outlined in § 7906;
- (f) If applicable, updating the name of each household's landlord when a household moves to a new housing unit, or the landlord on a lease changes;
- (g) Assisting the Department with program evaluation activities, including reasonable data collection, providing administrative records, and making staff available for interviews;
- (h) Submitting to the Department quarterly reports, at the individual household level and aggregate level, that include information listed in § 7908.2 and §7908.3; and
- (i) Other tasks agreed upon by the Department and Provider.

7909.2 The Provider shall submit to the Department a formal quarterly report that may include, but is not limited to, the following for each enrolled household:

- (a) Frequency in which each household accessed the full monthly rent limit;
- (b) Average amount of funds accessed from each household's checking account each month; and
- (c) Participation in budget or financial planning classes.

7909.3 The Provider shall submit to the Department a formal quarterly report that shall include, but is not limited to, the following for the cohort of enrolled households:

- (a) Payment activity of the households for the current quarter;
- (b) Trend analysis that shows the payment activities of the households over the previous quarter(s), where applicable;

- (c) Average and median amounts of the Program subsidy used by the households monthly;
- (d) Addresses of participating households and other descriptive statistics identified or requested by the Department; and
- (e) Household attrition from the Program.

7909.4 The Provider shall submit reports to the Department via a method determined by the Department.

7910 FAIR HEARING AND ADMINISTRATIVE REVIEW

7910.1 An applying household or participating Program household shall have ninety (90) calendar days following the receipt of a written notice described in §§ 7903.11(a), (c), (e), or (f) to request a fair hearing, in accordance with the hearing provisions in Section 26 of the HSRA (D.C. Official Code § 4-754.41), for the action that is the subject of the written notice.

7910.2 Upon receipt of a fair hearing request, the Department shall offer the petitioner household or its authorized representative an opportunity for an administrative review in accordance with Section 27 of the HSRA (D.C. Official Code § 4-754.42), except that if an eviction is imminent, the Department shall take all reasonable steps to provide an expedited administrative review to maximize resolution of the appeal.

7910.3 In accordance with Section 9(a) of the HSRA (D.C. Official Code § 4-754.11(a)(18)), any household that requests a fair hearing within fifteen (15) days of receipt of written notice of a termination pursuant to § 7908 shall have the right to the continuation of Program benefits pending a final decision from the fair hearing proceedings.

7999 DEFINITIONS

7999.1 The terms and definitions in 29 DCMR § 2599 are incorporated by reference in this chapter.

7999.2 For the purposes of this chapter, the following additional terms shall have the meanings ascribed:

Authorized representative – an individual who is at least eighteen (18) years of age, who is acting responsibly on behalf of the applicant, and has sufficient knowledge of the applicant’s circumstances to provide or obtain

necessary information about the applicant, or a person who has legal authorization to act on behalf of the applicant.

Government-funded rental assistance program – a program administered or funded by federal, state, or local government that provides rental assistance for the purpose of reducing the tenant’s rent or assisting with back rent.

Median Family Income - the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any further adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers. This calculation is used to determine a household’s eligibility for the Program.

Minor – a child under eighteen (18) years of age.

Provider – an organization that receives Flexible Rent Subsidy Pilot Program funds and is authorized to administer the Program’s services.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FOURTH EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the intent to adopt a revised Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers), to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

The original Chapter 63 substance use disorder (“SUD”) regulation was published in 2015. Since 2015, the Department and its provider network identified areas where the regulation could be improved for the benefit of quality of care, accountability and efficiency. Throughout 2019, the Department published a series of emergency and proposed rulemakings to implement those improvements. Specifically, the first Emergency rulemaking was adopted and became effective on April 5, 2019. It was published in the *D.C. Register* on August 2, 2019 at 66 DCR 10010. On August 2, 2019, the second Emergency rulemaking was adopted and became effective. It was published in the *D.C. Register* on September 13, 2019 at 66 DCR 12192. On November 26, 2019, the third Emergency rulemaking was adopted and became effective. It was published in the *D.C. Register* on December 27, 2019 at 66 DCR 16593.

During this rulemaking process, the Department, in partnership with the Department of Health Care Finance (“DHCF”), 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. 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 movement towards a more person-centered system of physical and behavioral health care.

Under the demonstration program, the District received authority to provide new behavioral health services reimbursed by the Medicaid program between January 1, 2020 and December 31, 2024, including a request to draw down federal matching funds for substance use disorder (“SUD”) treatment provided in residential and inpatient settings, among several other changes. To comply with the demonstration project requirements, the Department made broad revisions to the existing Chapter 63 regulation (the third Emergency rulemaking dated November 26, 2019) to align the regulatory efforts with the District’s transformation efforts under the demonstration program.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District residents. This demonstration program was conceived, in large part, as a response to the crisis unfolding in the District relating to opioid use and abuse. To meet the deadline required by this demonstration, the Department requires the Emergency and Proposed Rules to begin appropriate work immediately.

The key changes in this rulemaking are outlined in the following chart:

Section Number	Description of Change	Reasoning
6305	Add requirement that a provider denied certification for failure to comply with the regulatory standards shall not re-apply for twelve (12) months.	To enforce compliance with regulatory standards and to encourage applicants that are capable of providing high quality care.
6305	Add specific grounds for denial and decertification.	Clarify the Department’s criteria for certification denial and decertification.
6306	Add Notice of Infraction provision.	Allow the Department to address non-compliance through administrative Notices of Infraction.
6308	Add requirements around availability of services.	Ensure clients have adequate access to core services on different days and at a variety of times.
6308	Add requirement that providers establish a formal agreement with a registered Health Information Exchange (“HIE”) entity.	Improve quality of care by providers having real-time access to patient data.
6310	Add requirement that providers have a designated Quality Improvement Coordinator (“QI Coordinator”).	Align QI requirements across mental health and substance use regulations.
6315	Add requirement that providers have an automated external defibrillator (“AED”) on site.	Ensure immediate access to an AED in the event of a cardiac emergency.
6315	Add requirement that providers have naloxone on site.	Ensure immediate access to naloxone in the event of an opioid overdose.
6321	Add Client Choice section.	Align client choice requirements across mental health and substance use regulations.
6328	Add requirement that all treatment providers shall provide on-site or facilitate access to all Food and Drug Administration (“FDA”) approved medication used in medication assisted treatment (“MAT”).	Ensure clients are able to access whichever type of medication they select for their needs.

6329	Remove certification requirement for intake and assessment as a level of care and require that all treatment providers provide intake and assessment services.	Ensure clients are able to visit any treatment provider and receive same-day assessment and placement in the appropriate level of care.
6330	Clarify language that all opioid treatment programs (“OTPs”) are allowed to dispense any FDA-approved medication on-site in accordance with Federal and District laws and regulations, and must refer clients to other providers if they do not offer the client’s choice of medication.	Clarity.
6330	Add requirement that OTP shall have a mechanism to address emergencies occurring outside of program hours of operation, including an emergency system to obtain dosage levels.	Ensure that appropriate clinical and dosage information can be obtained in the event of an emergency.
6339	Add requirement that providers ensure appropriate medical staff are available to assess clients for acute withdrawal symptoms and have infrastructure to conduct health testing and screening as part of a comprehensive diagnostic assessment. If unable to meet these requirements, a provider shall have a contract or affiliation agreement with a different provider who can.	Clarifying that medical staff are required to conduct certain aspects of a comprehensive diagnostic assessment.
6340	Streamline the definition of Clinical Care Coordination.	Align Clinical Care Coordination across mental health and substance use regulations.
6348	Add Trauma Recovery and Empowerment Model (“TREM”) as a specialty service.	Allow providers to become certified to offer TREM services. Implement these services as proposed under the District’s demonstration waiver.
6344	Streamline the definition of Recovery Support Services (“RSS”) (except Environmental Stability).	Providers no longer need to distinguish between categories that often include overlapping or confusing service descriptions (i.e., Mentoring (H0025HF), Training and Skills Development (H2014), Training and Skills Development, Group (H2014HQ), Spiritual Support Group

		(H0047HF), etc.).
6330 through 6337	Remove Case Management as a core service and make “RSS” a core service for all treatment providers.	Promote a recovery-oriented system of care in the District.
6350	Change escrow requirement for Environmental Stability to 30%, down from 50%.	Providers indicated that 50% could be prohibitive for many clients and recommended decreasing it.

The emergency rulemaking was adopted and became effective on February 18, 2020. The emergency rules will remain in effect for one hundred twenty (120) days after the date of adoption unless superseded by publication of another rulemaking notice in the *D.C. Register*.

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

Chapter 63, CERTIFICATION STANDARDS FOR SUBSTANCE USE DISORDER TREATMENT AND RECOVERY PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is repealed and replaced by a new Chapter 63 to read as follows:

CHAPTER 63 CERTIFICATION STANDARDS FOR SUBSTANCE USE DISORDER TREATMENT AND RECOVERY PROVIDERS

6300 GENERAL PROVISIONS

- 6300.1 The Department of Behavioral Health (“Department”) is the Single State Agency (“SSA”) responsible for the development and promulgation of rules, regulations, and certification standards for prevention and treatment services related to the abuse of alcohol, tobacco, and other drugs (“ATOD”) in the District of Columbia (“District”). The Department is responsible for the inspection, monitoring, and certification of all District of Columbia substance use disorder (“SUD”) treatment and recovery support service providers.
- 6300.2 The purpose of these rules is to establish service and certification requirements for operating a SUD treatment or recovery program in the District of Columbia.
- 6300.3 Providers seeking certification shall specify the age ranges of the clients they will be serving. Providers serving youth shall be known as Adolescent Substance Abuse Treatment Expansion Program (“ASTEP”) providers.
- 6300.4 The SUD treatment framework in this chapter is based on levels of care established by the American Society of Addiction Medicine (“ASAM”).
- 6300.5 No person or entity shall own or operate a program that offers or proposes to offer non-hospital SUD treatment services without being certified by the Department

pursuant to this chapter. This chapter does not apply to Health Maintenance Organizations, physicians, and other licensed behavioral health and medical professionals in individual or group practice.

- 6300.6 The Department shall issue one (1) certification for each provider that is valid only for the programs, premises, and Level(s) of Care stated on the certificate. The certificate is the property of the Department and must be returned upon request by the Department.
- 6300.7 The Department's staff, upon presentation of proper identification, has authority to enter the premises of a certified SUD treatment or recovery program during operating hours to conduct announced or unannounced inspections and investigations.
- 6300.8 Providers certified as Levels 1 - 3, except Medically Monitored Inpatient Withdrawal Management ("MMIWM"), may also receive a special designation as a program serving parents with children, subject to § 6326 of this chapter.
- 6300.9 Each certified provider shall comply with all the provisions of this chapter consistent with the scope of the authorized Level of Care.

6301 ELIGIBILITY FOR SUBSTANCE USE DISORDER SERVICES

- 6301.1 SUD is a chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the client continues using the substance despite significant substance-related problems. A diagnosis of SUD requires a client to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the most recent version of the American Psychiatric Association's Diagnostic and Statistical Manual ("DSM"). SUD services as described throughout this chapter include both treatment and Recovery Support Services ("RSS").
- 6301.2 To be eligible for SUD treatment, a client must have received a diagnosis of SUD in accordance with § 6301.1. Eligibility for Medicaid-funded or Department-funded SUD services shall be determined in accordance with § 6301.4.
- 6301.3 To be eligible for RSS, a client must have an identified need for RSS and:
- (a) Be actively participating in the Department treatment system;
 - (b) Have completed treatment; or
 - (c) Have a self-identified substance use issue that is not assessed as needing active treatment.
- 6301.4 A client shall meet the following eligibility requirements in order to receive Medicaid-funded SUD services:

- (a) Be bona fide residents of the District, as required in 29 DCMR §2405.1(a); and
- (b) Be referred for SUD services by a treatment provider or other intake center authorized by the Department.
- (c) Be enrolled in Medicaid, or be eligible for enrollment and have an application pending; or
- (d) For new enrollees and those enrollees whose Medicaid coverage has lapsed:
 - (1) There is an eligibility grace period of ninety (90) calendar days from the date of first service for new enrollees, or from the date of eligibility expiration for enrollees who have a lapse in coverage, until the date the Department of Human Services' Economic Security Administration ("ESA") makes an eligibility or renewal determination.
 - (2) In the event the client appeals a denial of eligibility or renewal by the ESA, the Director may extend the ninety (90) calendar day eligibility grace period until the appeal has been exhausted. The ninety (90) calendar day eligibility grace period may also be extended at the discretion of the Director for other good cause shown.
 - (3) Upon expiration of the eligibility grace period, SUD services provided to the client are no longer reimbursable by Medicaid. Nothing in this section alters the District's timely-filing requirements for claim submissions.

6301.5

Clients eligible for locally-funded SUD treatment are those individuals who are not eligible for Medicaid or Medicare or are not enrolled in any other third-party insurance program except the D.C. Healthcare Alliance, or who are enrolled in a third-party insurance program but the insurance program does not cover SUD treatment and who meet the following requirements:

- (a) For individuals eighteen (18) years of age and older, live in households with a countable income of less than two hundred percent (200%) of the federal poverty level, and for individuals under eighteen (18) years of age, live in households with a countable income of less than three hundred percent (300%) of the federal poverty level.
- (b) A client that does not meet the income limits of § 6301.5(a) above may receive treatment services in accordance with the following requirements:

- (1) The client must, within ninety (90) calendar days of enrollment for services, apply to the ESA for certification, which will verify income; and
- (2) An individual with income over the limits in paragraph (a) above may receive treatment services in accordance with rates determined by the Department.

6302 SERVICES FOR PEOPLE WITH CO-OCCURRING MENTAL ILLNESSES

6302.1 A provider shall not decline to provide SUD services because of a person’s co-occurring mental illness.

6302.2 All SUD treatment providers shall screen individuals for SUD and mental illness during the Initial or Comprehensive Diagnostic Assessment.

6302.3 If a person screens positive for a co-occurring mental illness, the SUD treatment provider shall take the following steps in addition to providing SUD treatment:

- (a) If certified to provide mental health services, offer the person mental health treatment in addition to SUD treatment with the provider. If the person declines, the provider shall make the appropriate referrals for the person to receive mental health treatment at another qualified provider.
- (b) If the provider is not certified to provide mental health services, the provider shall ensure the person is referred to an appropriate mental health provider.
- (c) If a person that screens positive for a co-occurring mental illness receives mental health treatment at another provider, the Clinical Care Coordinator shall ensure the Plan of Care and subsequent care and treatment of the person is coordinated with the mental health provider.

6303 PROVIDER CERTIFICATION PROCESS

6303.1 The Department utilizes the certification process to thoroughly evaluate an applicant’s capacity to provide high quality SUD services in accordance with this regulation and the needs of the District’s behavioral health system. Each applicant seeking certification as a provider shall submit a certification application to the Department. A certified provider seeking renewal of certification shall submit a certification application at least ninety (90) calendar days prior to the termination of its current certification. The certification of a provider that has submitted a timely application for renewal of certification shall continue until the Department renews or denies renewal of the certification application.

6303.2 An applicant may apply for certification for one or more of the following Levels of Care (“LOC”):

- (a) Level: Opioid Treatment Program (“OTP”);
- (b) Level 1: Outpatient;
- (c) Level 2.1: Intensive Outpatient;
- (d) Level 2.5: Day Treatment;
- (e) Level 3.1: Clinically Managed Low-Intensity Residential;
- (f) Level 3.3: Clinically Managed Population-Specific High-Intensity Residential;
- (g) Level 3.5: Clinically Managed High-Intensity Residential Services (Adult Criteria) or Clinically Managed Medium-Intensity Residential Services (Adolescent Criteria);
- (h) Level 3.7-WM: Medically Monitored Inpatient Withdrawal Management (“MMIWM”); and
- (i) Level-R: RSS.

6303.3 Providers may also be certified to provide one or more of the following specialty services based on their LOC certifications from the Department:

- (a) Medication Management;
- (b) Adolescent – Community Reinforcement Approach (“ACRA”);
- (c) Medication Assisted Treatment (“MAT”);
- (d) Trauma Recovery and Empowerment Model (“TREM”); and
- (e) Environmental Stability.

6303.4 All certified providers, except those only certified as Level-R, shall provide all of the following core services according to the requirements of this chapter and the individual needs of the client as outlined in the Plan of Care:

- (a) Diagnostic Assessment and Plan of Care;
- (b) Clinical Care Coordination (“CCC”);
- (c) Crisis Intervention;
- (d) SUD Counseling/Therapy, including the following:
 - (1) Individual Counseling/Therapy;

- (2) Group Counseling/Therapy;
- (3) Family Counseling/Therapy;
- (4) Group Counseling – Psychoeducation.
- (e) Drug Screening, as follows:
 - (1) Toxicology Sample Collection;
 - (2) Breathalyzer Testing.
- (f) RSS.

- 6303.5 Certification shall be considered terminated if the provider:
- (a) Fails to submit a complete certification application ninety (90) calendar days prior to the expiration date of the current certification;
 - (b) Voluntarily relinquishes certification; or
 - (c) Terminates operations.
- 6303.6 Upon receipt of a certification application, the Department shall review the certification application to determine whether it is complete. If a certification application is incomplete, the Department shall return the incomplete application to the applicant. An incomplete certification application shall not be regarded as a certification application. The Department shall not take further action to issue certification unless a complete certification application is submitted within ninety (90) calendar days prior to the expiration of the applicant's current certification.
- 6303.7 Following the Department's acceptance of the certification application, the Department shall determine whether the applicant's facility services and activities meet the certification standards described in this chapter. The Department shall schedule and conduct an on-site survey of the applicant's services to determine whether the applicant satisfies all the certification standards. The Department shall have access to all records necessary to verify compliance with certification standards and may conduct interviews with staff, others in the community, and clients.
- 6303.8 The Department may conduct an on-site survey at the time of certification application or certification renewal, or at any other time during the period of certification.
- 6303.9 Applicant or provider interference with the on-site survey, or submission of false or misleading information, or lack of candor by the applicant or provider, shall be grounds for an immediate suspension of any prior certification, or denial of a new certification application.

- 6303.10 A Statement of Deficiency (“SOD”) is a written notice to a provider identifying non-compliance with certification standards. The intent of the SOD is to provide existing certified providers with an opportunity to correct minor deficiencies during the recertification process to avoid decertification and disruption of service to existing clients. The Department will not normally issue an SOD to applicants who fail to demonstrate compliance with the standards. The Department will normally consider the applicant’s failure to comply with the initial certification requirements as evidence that the applicant is ill-prepared to assume the responsibilities of providing SUD services to District residents and deny the application. When utilized, the SOD shall describe the areas of non-compliance, suggest actions needed to bring operations into compliance with the certification standards, and set forth a timeframe of no more than ten (10) business days for the provider’s submission of a written Corrective Action Plan (“CAP”).
- 6303.11 The issuance of an SOD is a separate process from the issuance of a Notice of Infraction (“NOI”). NOIs shall be issued promptly upon observation of violations of this chapter, especially when they are recurrent, endanger resident or staff health or safety or when there is a failure to comply with core requirements of operating an SUD treatment facility.
- 6303.12 The Department is not required to utilize the SOD or NOI process. It may immediately deny certification or re-certification or proceed with decertification.
- 6303.13 An applicant or certified provider’s CAP shall describe the actions to be taken and specify a timeframe for correcting the areas of non-compliance. The CAP shall be submitted to the Department within ten (10) working days after receipt of the SOD from the Department, or sooner if specified in the SOD.
- 6303.14 The Department shall notify the applicant or certified provider whether the provider’s CAP is accepted within ten (10) business days after receipt. In addition to utilizing the SOD process in § 6303.10 during the certification and renewal of certification stage, the Director may utilize the same procedures at any other time to address violations of this chapter.
- 6303.15 The Department may only issue its certification after the Department verifies that the applicant or certified provider has remediated all of the deficiencies identified in the CAP and meets all the certification standards.
- 6303.16 The Department may grant full or provisional certification to an SUD applicant after conducting on-site surveys and reviewing application materials, including CAPs. A determination to grant full certification to a provider or program shall be based on the Department’s review and validation of the information provided in the application, as well as facility inspection findings, CAPs, and the provider or program’s compliance with this chapter.
- 6303.17 The Department may grant provisional certification to a new provider or program that can demonstrate substantial compliance with these certification requirements

and (a) has not previously held a certification issued by the Department; or (b) is in the process of securing a facility within the District at the time of application.

- 6303.18 Provisional certification shall not exceed a period of six (6) months and may be renewed only once for an additional period not to exceed ninety (90) calendar days.
- 6303.19 Full certification as an SUD treatment provider or RSS provider shall be for one (1) calendar year for new applicants and two (2) calendar years for existing providers seeking renewal of certification. Certification shall start from the date of issuance of certification by the Department, subject to the provider's continuous compliance with these certification standards. Certification shall remain in effect until it expires, is renewed, or is revoked pursuant to this chapter. The certification shall specify the effective date of the certification, the program(s), level(s) of care, and services that the provider is certified to provide.
- 6303.20 The provider shall notify the Department within forty-eight (48) hours of any changes in its operation that affect the provider's continued compliance with these certification standards, including changes in ownership or control, changes in service, and changes in its affiliation and referral arrangements.
- 6303.21 Prior to adding an SUD service during the term of certification, the provider shall submit a certification application describing the service. Upon determination by the Department that the provider is in compliance with certification standards, the Department may certify the provider to provide that service. A provider that applies for certification during an open application period as published in the District of Columbia Register may appeal the denial of certification under this subsection by utilizing the procedures contained in § 6305. The Department shall not accept any applications for which a notice of moratorium is published in the District of Columbia Register.
- 6303.22 In the event that a certification application is under review while a moratorium is put in place, the Department will continue to process the application for a time period of no more than thirty (30) calendar days. If, after thirty (30) calendar days, the application is deemed incomplete, the provider will be granted ten (10) business days to resolve all items of incompleteness. Any items not resolved or provided by the due date will result in the incomplete application being returned to the applicant and the Department will take no further action to issue certification. The applicant must then wait until the moratorium is lifted in order to submit any subsequent certification application.
- 6303.23 Nothing in these rules shall be interpreted to mean that certification is a right or an entitlement. New certification as a provider depends upon the Director's assessment of the need for additional providers(s) and availability of funds.

- 6303.24 Certification shall be limited to the applicant granted the certification and shall be limited to the location and services as indicated on the certificate. Certification is not transferable to any other organization.
- 6303.25 Written notice of any change in the name or ownership of a program owned by an individual, partnership, or association, or in the legal or beneficial ownership of ten percent (10%) or more of the stock of a corporation that owns or operates the program, shall be given to the Department at least thirty (30) calendar days prior to the change in ownership.
- 6303.26 The provider shall notify the Department in writing thirty (30) calendar days prior to implementing any of the following operational changes, including all aspects of the operations materially affected by the changes:
- (a) A proposed change in the program's geographic location;
 - (b) The proposed addition or deletion of core (§ 6303.4) or specialty (§6303.3) service components, which is anything that would alter or disrupt services where the client would be impacted by the change, or any change that would affect compliance with this regulation;
 - (c) A change in the required staff qualifications for employment;
 - (d) A proposed change in organizational structure;
 - (e) A proposed change in the population served; or
 - (f) A proposed change in program capacity and, for residential programs, a proposed change in bed capacity.
- 6303.27 Providers shall forward to the Department within thirty (30) calendar days all inspection reports conducted by an oversight body and all corresponding corrective actions taken regarding cited deficiencies.
- 6303.28 Providers shall immediately report to the Department any criminal allegations involving provider staff.
- 6303.29 The Department may consider a provider's accreditation by one or more national accrediting bodies as evidence of compliance with one or more certification standards in this chapter.

6304 CERTIFICATION: EXEMPTIONS FROM STANDARDS

- 6304.1 Upon good cause shown, including but not limited to a conflict between a certification standard and a provider's third-party contract or agreement, the Department may exempt a provider from a certification standard if the exemption does not jeopardize the health and safety of clients, violates a client's rights, or otherwise conflict with the purpose and intent of these rules.

- 6304.2 If the Department approves an exemption, such exemption shall end on the expiration date of the program certification, or at an earlier date if specified by the Department, unless the provider requests renewal of the exemption prior to expiration of its certificate or the earlier date set by the Department.
- 6304.3 The Department may revoke an exemption that it determines is no longer appropriate.
- 6304.4 All requests for an exemption from certification standards must be submitted in writing to the Department.

6305 DENIAL OR DECERTIFICATION PROCESS

6305.1 The Director may deny initial certification if the applicant fails to comply with any certification standard or the application fails to demonstrate the applicant's capacity to deliver high quality SUD services on a sustained and regular basis. Furthermore, to avoid an over concentration of providers in areas with existing providers and to encourage increased access to underserved areas of the District, the Director may deny certification if the applicant proposes to operate a facility in an area already served by one or more providers. The Department's priority shall be to grant certification to applicants with the demonstrated capacity to deliver high quality SUD services that will address unmet needs of the behavioral health system. While applicants may make minor corrections and substitutions to its application during the certification process, evidence of one or more of the following shall constitute good cause to deny the application for certification when the circumstances demonstrate deliberate misrepresentations, organizational instability, or the lack of preparedness or capacity to meet and sustain compliance with this chapter:

- (a) An incomplete application;
- (b) False information provided by applicant or contained in an application;
- (c) One or more changes to an organizational chart during the application process;
- (d) A facility that is inadequate in health, safety, size or configuration to provide SUD services consistent with high quality care and privacy standards;
- (e) The lack of demonstrated experience providing SUD services by the applicant's clinical leadership, practitioners, and/or staff;
- (f) An applicant's lack of financial resources to carry out its commitments and obligations under this chapter for the foreseeable future;
- (g) An applicant's failure to timely respond to the Department's requests for information; and

(h) History of poor performance.

6305.2 Upon written request submitted by the applicant and received by the Department within fifteen (15) days of the certification denial, the Department shall provide an applicant an impartial administrative review of the decision. The Department shall conduct the administrative review to determine whether the certification denial complied with § 6305.1. Each request for an administrative review shall contain a concise statement of the reason(s) why the certification denial was in error. The Director shall issue a written decision within fifteen (15) days. The Director's decision is final and not subject to further appeal. An applicant, its principals, and successor in interests shall not be allowed to reapply for certification for twelve (12) months following the date of denial.

6305.3 The Department shall decertify existing providers who fail to comply with the certification requirements contained in this chapter. Evidence of one or more of the following shall constitute good cause to decertify:

- (a) An incomplete recertification application;
- (b) False information provided by provider or contained in a recertification application;
- (c) High staff turnover during the certification period demonstrating organizational instability;
- (d) One or more documented violations of the certification standards during the certification period that evidence a provider's lack of capacity to meet and sustain compliance with this Chapter;
- (e) Claims audit error rate in excess of 25%;
- (f) Poor quality of care;
- (g) A provider's lack of financial resources to carry out its commitments and obligations under this chapter for the foreseeable future; and
- (h) Failure to cooperate with Department investigations or lack of timely response to information requests.

6305.4 Nothing in this chapter requires the Director to issue a SOD prior to decertifying a provider. If the Director finds that there are grounds for decertification, the Director will issue a written notice of decertification setting forth the factual basis for the decertification, the effective date, and the provider's right to request an administrative review.

6305.5 The provider may request an administrative review from the Director within fifteen (15) business days of the date on the notice of decertification.

- 6305.6 Each request for an administrative review shall contain a concise statement of the reason(s) why the provider asserts that it should not have had its certification revoked and include any relevant supporting documentation.
- 6305.7 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the provider's request.
- 6305.8 The Director shall issue a written decision and provide a copy to the provider. If the Director denies the appeal and approves the decertification, the provider may request a hearing under the D.C. Administrative Procedure Act, within fifteen (15) business days of the receipt of the Director's written decision. The administrative hearing shall be limited to the issues raised in the administrative review request. The decertification shall be stayed pending resolution of the hearing.
- 6305.9 Upon decertification, the provider and its executive leadership shall not be allowed to reapply for certification for a period of two (2) years following the date of the order of revocation. If a provider reapplies for certification, the provider must reapply in accordance with the established certification standards for the type of services provided and show evidence that the grounds for the revocation have been corrected.

6306 NOTICES OF INFRACTION

- 6306.1 The fine amount for any NOI issued under this chapter shall be as follows:
- (a) For the first offense \$500;
 - (b) For the second offense \$1,000;
 - (c) For the third offense \$2,000;
 - (d) For the fourth and subsequent offenses \$4,000.
- 6306.2 The administrative procedure for the appeal of an NOI issued under this chapter shall be governed by 16 DCMR §§ 3100 *et seq.*

6307 CLOSURES AND CONTINUITY OF CLIENT CARE

- 6307.1 A provider shall provide written notification to the Department at least ninety (90) calendar days prior to its impending closure, or immediately upon knowledge of an impending closure less than ninety (90) calendar days in the future. This notification shall include plans for continuity of care and preservation of client records.
- 6307.2 The Department shall review the continuity of care plan and make recommendations to the provider as needed. The plan should include provision for

the referral and transfer of clients, as well as for the provision of relevant treatment information, medications, and information to the new provider. The provider shall incorporate all Department recommendations necessary to ensure a safe and orderly transfer of care.

6307.3 Closure of a program does not absolve a provider from its legal responsibilities regarding the preservation and the storage of client records as described in § 6323, Storage and Retention of Client Records, of these regulations and all applicable Federal and District laws and regulations. A provider must take all necessary and appropriate measures to ensure client records are preserved, maintained, and made available to clients upon request after closure of a program.

6307.4 A provider shall be responsible for the execution of its continuity of care plan in coordination with the Department.

6308 GENERAL MANAGEMENT AND ADMINISTRATION STANDARDS

6308.1 Each provider shall be established as a recognized legal entity in the District of Columbia and qualified to conduct business in the District. Evidence of qualification to conduct business includes a certificate of good standing and clean hands, or an equivalent document, issued by the District of Columbia Department of Consumer and Regulatory Affairs (DCRA). Each provider shall maintain the clinical operations, policies, and procedures described in this section. These operations, policies and procedures shall be reviewed and approved by the Department during the certification survey process. Providers certified or accredited by a national body may apply for deemed status. To be considered for deemed status, a prospective provider submitting an application for certification must request "Deemed Status" on the certification application. Providers must also provide a current copy of their national accreditation certificate along with their most recent accreditation report. Deemed Status does not waive the requirement of service specific requirements and/or fiscal responsibility requirements.

6308.2 All providers shall report to the Department in a form and manner prescribed by the Department's policy on adverse events including abuse or neglect of client or any other event that may compromise the health, safety, or welfare of clients.

6308.3 Each provider shall:

- (a) Comply with all applicable Federal and District laws and regulations;
- (b) Participate through a formal agreement with a registered Health Information Exchange ("HIE") entity of the DC Health Information Exchange ("DC HIE"), defined in Chapter 87 of Title 29 DCMR;
- (c) Hire personnel with the necessary qualifications in order to provide SUD treatment or recovery support services and to meet the needs of its enrolled clients; and

- (d) For SUD treatment, employ Qualified Practitioners to ensure provision of services as appropriate and in accordance with this chapter.
- 6308.4 Providers shall make all core services set forth in § 6303.4 available a minimum five (5) days per week on a regular schedule for at least eight (8) hours per day, in the evening by appointment, and at least once a month on a Saturday for four (4) hours. A licensed clinician must be available on-site during regular hours of operation.
- 6308.5 Each treatment and recovery support service provider shall have a full time program director with authority and responsibility for the administrative direction and day-to-day operation of the program(s).
- 6308.6 Each treatment provider shall have a clinical director responsible for the full-time clinical direction and day-to-day delivery of clinical services provided to clients of the program(s). The clinical director must be a clinician who is licensed to practice independently in the District and supervise other clinical staff.
- 6308.7 The program director and clinical director shall devote adequate time and authority to perform necessary duties to ensure that service delivery is in compliance with applicable standards set forth in this chapter and in applicable policies issued by the Department. The program director and clinical director shall not be the same individual.
- 6308.8 Each provider shall establish and adhere to policies and procedures for selecting and hiring staff (“Staff Selection Policy”), including but not limited to requiring:
- (a) Evidence of licensure, certification, or registration, as applicable and as required by the job being performed;
 - (b) Evidence of an appropriate degree, training program, or credentials, such as academic transcripts or a copy of degree;
 - (c) Evidence of all required criminal background checks, and for all non-licensed staff members, application of the criminal background check requirements contained in District Official Code §§ 44-551 *et seq.*, Unlicensed Personnel Criminal Background Check, as well as child abuse registry checks (for both state of residence and employment);
 - (d) Evidence of quarterly checks that no individual is excluded from participation in a federally funded health care program as listed on the Department of Health and Human Services’ “List of Excluded Individuals/Entities,” the General Services Administration’s “Excluded Parties List System,” or any similar succeeding governmental list; and
 - (e) Evidence of a negative result on a tuberculosis test or medical clearance related to a positive result.

- 6308.9 Each provider shall establish and adhere to written job descriptions for all positions, including, at a minimum, the role, responsibilities, reporting relationships, and minimum qualifications for each position. The minimum qualifications established for each position shall be appropriate for the scope of responsibility and clinical practice (if any) described for each position.
- 6308.10 Each provider shall establish and adhere to policies and procedures requiring a periodic evaluation of clinical and administrative staff performance (“Performance Review Policy”) that requires an assessment of clinical competence (if appropriate), general organizational work requirements, and key functions as described in the job description. The periodic evaluation shall also include an annual individual development plan for each staff member.
- 6308.11 Each provider shall establish and adhere to a supervision policy to ensure that services are provided according to this chapter and Department policies on supervision and service standards as well as District laws and regulations.
- 6308.12 Each provider shall establish and adhere to a training policy in accordance with § 6319 of this chapter.
- 6308.13 Personnel policies and procedures shall apply to all staff and volunteers working for a provider and shall include:
- (a) Compliance with Federal and District equal opportunity laws, including the Americans with Disabilities Act and the D.C. Human Rights Act;
 - (b) A current organizational flow chart reflecting each program position and, where applicable, the relationship to the larger program or provider of which the program is a part;
 - (c) Written plans for developing, posting, and maintaining files pertaining to work and leave schedules, time logs, and on-call schedules for each functional unit, to ensure adequate coverage during all hours of operation;
 - (d) A written policy requiring that a designated individual be assigned responsibility for management and oversight of the volunteer program, if volunteers are utilized;
 - (e) A written policy regarding volunteer recruitment, screening, training, supervision, and dismissal for cause, if volunteers are utilized; and
 - (f) Provisions through which the program shall make available to staff a copy of the personnel policies and procedures.
- 6308.14 Providers shall develop and implement procedures that prohibit the possession, use, or distribution of controlled substances or alcohol, or any combination of them, by staff during their duty hours, unless medically prescribed and used accordingly. Staff possession, use, or distribution of controlled substances or

alcohol, or any combination of them, during off duty hours that affects job performance shall also be prohibited. These policies and procedures shall ensure that the provider:

- (a) Provides information about the adverse effects of the non-medical use and abuse of controlled substances and alcohol to all staff;
- (b) Initiates disciplinary action for the possession, use, or distribution of controlled substances or alcohol, which occurs during duty hours or which affects job performance; and
- (c) Provides information and assistance to any impaired staff member to facilitate his or her recovery.

6308.15 Individual personnel records shall be maintained for each person employed by a provider and shall include, at a minimum, the following:

- (a) A current job description for each person, that is revised as needed;
- (b) Evidence of a negative result on a tuberculosis test or medical clearance related to a positive result;
- (c) Evidence of the education, training, and experience of the individual, and a copy of the current appropriate license, registration, or certification credentials (if any);
- (d) Documentation that written personnel policies were distributed to the employee;
- (e) Notices of official tour of duty: day, evening, night, or rotating shifts; payroll information; and disciplinary records;
- (f) Documentation that the employee has received all health care worker immunizations as recommended by the Centers for Disease Control and Prevention (“CDC”); and
- (g) Criminal background checks as required in § 6308.8.

6308.16 All personnel records shall be maintained during the course of an individual’s employment with the program and for three (3) years following the individual’s separation from the program.

6309 EMPLOYEE CONDUCT

6309.1 All staff shall adhere to ethical standards of behavior in their relationships with clients as follows:

- (a) Staff shall maintain an ethical and professional relationship with clients at all times;
- (b) Licensed or certified staff must adhere to their professional codes of conduct, as required by District licensing laws and regulations;
- (c) Staff shall not enter into dual or conflicting relationships with individuals that might affect professional judgment, therapeutic relationships, or increase the risk of exploitation; and
- (d) The provider shall establish written policies and procedures regarding staff relationships with both current and former clients that are consistent with this section.

6309.2 No staff, including licensed professionals, support personnel, and volunteers, shall engage in sexual activities or sexual contact with clients.

6309.3 No staff, including licensed professionals, support personnel, and volunteers, shall engage in sexual activities or sexual contact with former clients.

6309.4 No staff, including licensed professionals, support personnel, and volunteers, shall engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship.

6309.5 No staff, including licensed professionals, support personnel, and volunteers, shall provide services to individuals with whom they have had a prior sexual or other significant relationship.

6309.6 Staff, including licensed professionals, support personnel, and volunteers, shall only engage in appropriate physical contact with clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

6309.7 No staff, including licensed professionals, support personnel, and volunteers, shall sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

6309.8 No provider or employee of a provider shall be a representative payee for any person receiving services from a treatment or RSS program.

6310 QUALITY IMPROVEMENT

6310.1 Each provider shall establish and adhere to policies and procedures governing quality improvement ("Quality Improvement Policy").

6310.2 The Quality Improvement Policy shall require the provider to adopt a written quality improvement ("QI") plan describing the objectives and scope of its QI

program and requiring provider staff, client, and family involvement in the QI program.

6310.3 The Department shall review and approve each provider's QI program at a minimum as part of the certification and renewal of certification process. The QI program shall submit data to the Department upon request.

6310.4 The QI program shall be directed by a coordinator ("QI Coordinator") who has direct access to the Program Director if applicable. In addition to directing the QI program's activities, the QI Coordinator shall also review unusual incidents, deaths, and other sentinel events; monitor and review utilization patterns; and track consumer complaints and grievances. The QI Coordinator shall be one of the following:

- (a) Physician;
- (b) Psychologist;
- (c) Licensed Independent Clinical Social Worker ("LICSW");
- (d) Advanced Practice Registered Nurse ("APRN");
- (e) Licensed Professional Counselor ("LPC");
- (f) Licensed Marriage and Family Therapist ("LMFT");
- (g) Registered Nurse ("RN");
- (h) Licensed Independent Social Worker ("LISW");
- (i) Licensed Graduate Professional Counselor ("LGPC");
- (j) Licensed Graduate Social Worker ("LGSW");
- (k) Certified Addictions Counselor ("CAC") I or II;
- (l) Physician Assistant ("PA"); or
- (m) An individual with a Bachelors' Degree and a minimum of two (2) years of relevant, qualifying experience, such as experience in behavioral health care delivery or health care quality improvement initiatives.

6310.5 The QI program shall be operational and shall measure and ensure at least the following:

- (a) Easy and timely access and availability of services;
- (b) Treatment and prevention of acute and chronic conditions;

- (c) Close monitoring of high volume services, clients with high risk conditions, and services for children and youth;
- (d) Coordination of care across behavioral health treatment and primary care treatment settings;
- (e) Compliance with all certification standards;
- (f) Adequacy, appropriateness, and quality of care for clients;
- (g) Efficient utilization of resources;
- (h) Client and family satisfaction with services;
- (i) Quarterly random samplings of client outcomes, including but not limited to biological markers such as drug/alcohol screening results, in a format approved by the Department; and
- (j) Any other indicators that are part of the Department QI program for the larger system.

6310.6 When a significant problem or quality of service issue is identified, the provider shall notify the Department, act to correct the problem or improve the effectiveness of service delivery, or both, and shall assess corrective or supportive actions through continued monitoring.

6310.7 Providers certified via Deemed Status or accredited by nationally-recognized bodies may submit their QI program accepted by that body to fulfill the requirements in § 6310.5.

6311 FISCAL MANAGEMENT STANDARDS

6311.1 Applicants or providers that are in financial distress and at risk of imminent closure represent a risk both to the Department's clients and the behavioral health system. The Department shall not certify any applicant or re-certify any provider without evidence that the applicant or provider has sufficient financial resources to carry out its commitments and obligations under this chapter for the foreseeable future. The provider shall have adequate financial resources to deliver all required services and shall provide documented evidence at the time of certification and renewal of certification that it has adequate resources to operate a SUD program. Documented evidence shall include federal and state tax returns, including Form 990s for non-profit organizations, for the three (3) most recent tax reporting years, and a current financial statement signed and verified by a certified public accountant.

6311.2 A provider shall have fiscal management policies and procedures and keep financial records in accordance with generally accepted accounting principles.

- 6311.3 A provider shall include adequate internal controls for safeguarding or avoiding misuse of client or organizational funds.
- 6311.4 A provider shall have a uniform budget of expected revenue and expenses as required by the Department. The budget shall:
- (a) Categorize revenue by source;
 - (b) Categorize expenses by type of service; and
 - (c) Estimate costs by unit of service.
- 6311.5 A provider shall have the capacity to determine direct and indirect costs for each type of service provided.
- 6311.6 A written schedule of rates and charges shall be conspicuously posted and available to staff, clients, and the general public.
- 6311.7 Fiscal reports shall provide information on the relationship of the budget to actual spending, including revenues and expenses by category and an explanation of the reasons for any substantial variance.
- 6311.8 Providers shall correct or resolve all adverse audit findings prior to recertification.
- 6311.9 A provider shall have policies and procedures regarding:
- (a) Purchase authority, product selection and evaluation, property control and supply, storage, and distribution;
 - (b) Billing;
 - (c) Controlling accounts receivable;
 - (d) Handling cash;
 - (e) Management of client fund accounts;
 - (f) Arranging credit; and
 - (g) Applying discounts and write-offs.
- 6311.10 All business records pertaining to costs, payments received and made, and services provided to clients shall be maintained for a period of six (6) years or until all audits and ongoing litigations are complete, whichever is longer.
- 6311.11 All providers must maintain proof of liability insurance coverage, which must include malpractice insurance of at least three million dollars (\$3,000,000) aggregate and one million dollars (\$1,000,000) per incident and comprehensive general coverage of at least three million dollars (\$3,000,000) per incident that

covers general liability, vehicular liability, and property damage. The insurance shall include coverage of all personnel, consultants, or volunteers working for the provider.

6311.12 For Environmental Stability providers that handle client funds, financial record keeping shall provide for separate accounting of those client funds.

6311.13 A provider shall ensure that clients employed by the organization are paid in accordance with all applicable laws and regulations governing labor and employment, including those governing minimum wage.

6311.14 All money earned by a client shall accrue to the sole benefit of that individual and be provided to the client or the client's legal representative upon discharge or sooner.

6312 ADMINISTRATIVE PRACTICE ETHICS

6312.1 All providers shall operate in an ethical manner, including but not limited to complying with the provisions of this section. A provider shall not offer or imply to offer services not authorized on the certification issued by the Department.

6312.2 A provider shall not use any advertising that contains false, misleading, or deceptive statements or claims or that contains false or misleading information about fees.

6312.3 A provider shall not offer or imply to offer services not authorized on the certification issued by the Department.

6312.4 A provider shall comply with all Federal and District laws and regulations, including but limited to the False Claims Act, 31 USC §§ 3729-3733, the Anti-Kickback Statute, 42 USC § 1320a-7b, the Physician Self-Referral Law (Stark law), 42 USC § 1395nn, and the Exclusion Statute, 42 USC § 1320a-7.

6312.5 All employees shall be kept informed of policy changes that affect performance of duties.

6312.6 All allegations of ethical violations must be treated as major unusual incidents.

6312.7 Any research must be conducted in accordance with Federal law.

6313 PROGRAM POLICIES AND PROCEDURES

6313.1 Each program must document the following:

- (a) Organization and program mission statement, philosophy, purpose, and values;
- (b) Organizational structure;

- (c) Leadership structure;
- (d) Program relationships;
- (e) Staffing;
- (f) Relationships with parent organizations, affiliated organizations, and organizational partners;
- (g) Treatment philosophy and approach;
- (h) Services provided;
- (i) Characteristics and needs of the population served;
- (j) Performance metrics, including intended outcomes and process methods;
- (k) Contract services, if any;
- (l) Affiliation agreements, if any;
- (m) The scope of volunteer activities and rules governing the use of volunteers, if any;
- (n) Location of service sites and specific designation of the geographic area to be served; and
- (o) Hours and days of operation of each site.

6313.2 Each program shall establish written policies and procedures to ensure each of the following:

- (a) Service provision based on the individual needs of the client;
- (b) Consideration of special needs of the client and the program’s population of focus;
- (c) Placement of clients in the least restrictive setting necessary to address the acuity of the client’s presenting illness and circumstances; and
- (d) Facilitation of access to other more appropriate services for clients who do not meet the criteria for admission into a program offered by the provider.

6313.3 Each program shall develop and document policies and procedures subject to review by the Department related to each of the following:

- (a) Program admission and exclusion criteria;
- (b) Termination of treatment and discharge or transition criteria;

- (c) Outreach;
- (d) Infection control procedures and use of universal precautions, addressing at least those infections that may be spread through contact with bodily fluids and routine tuberculosis screening for staff and volunteers;
- (e) Volunteer utilization, recruitment, and oversight;
- (f) Crisis intervention and medical emergency procedures;
- (g) Safety precautions and procedures for participant volunteers, employees, and others;
- (h) Record management procedures in accordance with “Confidentiality of Substance Use Disorder Patient Records” (“42 CFR Part 2”), this chapter, and any other Federal and District laws and regulations regarding the confidentiality of client records;
- (i) The on-site limitations on use of tobacco, alcohol, and other substances;
- (j) Clients’ rules of conduct and commitment to treatment regimen, including restrictions on carrying weapons and specifics of appropriate behavior while in or around the program;
- (k) Clients’ rights;
- (l) Addressing and investigating major unusual incidents;
- (m) Addressing client grievances;
- (n) Addressing issues of client non-compliance with established treatment regimen and/or violation of program policies and requirements; and
- (o) The purchasing, receipt, storage, distribution, return, and destruction of medication, including accountability for and security of medications located at any of its service site(s) (“Medication Policy”).

6313.4 Gender-specific programs shall ensure that staff of that specific gender is in attendance at all times when clients are present.

6314 EMERGENCY PREPAREDNESS PLAN

6314.1 Each provider shall establish and adhere to a written disaster evacuation and continuity of operations plan in accordance with the Department policy on Disaster Evacuation/Continuity of Operations Plans.

6314.2 A provider shall immediately notify the Department and implement its continuity of operations plan if an imminent health hazard exists because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage

backup, gross unsanitary conditions, or other circumstances that may endanger the health, safety, or welfare of its clients.

6315 FACILITIES MANAGEMENT

6315.1 A provider shall establish and maintain a safe environment for its operation, including adhering to the following provisions:

- (a) Each provider's service site(s) shall be located and designed to provide adequate and appropriate facilities for private, confidential individual and group counseling/therapy sessions;
- (b) Each provider's service site(s) shall have appropriate space for group activities and educational programs;
- (c) In-office waiting time shall be less than one (1) hour from the scheduled appointment time. Each provider shall also demonstrate that it can document the time period for in-office waiting;
- (d) Each provider shall comply with applicable provisions of the Americans with Disabilities Act in all business locations;
- (e) Each service site shall be located within reasonable walking distance of public transportation;
- (f) Providers shall maintain fire safety equipment and establish practices to protect all occupants. This shall include clearly visible fire extinguishers, with a charge, that are inspected annually by a qualified service company or trained staff member; and
- (g) Each provider shall annually obtain a written certificate of compliance from the District of Columbia Department of Fire and Emergency Medical Services ("FEMS") indicating that all applicable fire and safety code requirements have been satisfied for each facility.

6315.2 Each window that opens shall have a screen.

6315.3 Each rug or carpet in a facility shall be securely fastened to the floor or shall have a non-skid pad.

6315.4 Each hallway, porch, stairway, stairwell, and basement shall be kept free from any obstruction at all times.

6315.5 Each ramp or stairway used by a client shall be equipped with a firmly secured handrail or banister.

- 6315.6 Each provider shall maintain a clean environment free of infestation and in good physical condition, and each facility shall be appropriately equipped and furnished for the services delivered.
- 6315.7 Each provider shall properly maintain the outside and yard areas of the premises in a clean and safe condition.
- 6315.8 Each exterior stairway, landing, and sidewalk used by clients shall be kept free of snow and ice.
- 6315.9 Each facility shall be located in an area reasonably free from noxious odors, hazardous smoke and fumes, and where interior sounds may be maintained at reasonably comfortable levels.
- 6315.10 A provider shall take necessary measures to ensure pest control, including:
- (a) Refuse shall be stored in covered containers that do not create a nuisance or health hazard; and
 - (b) Recycling, composting, and garbage disposal shall not create a nuisance, permit transmission of disease, or create a breeding place for insects or rodents.
- 6315.11 A provider shall ensure that medical waste is stored, collected, transported, and disposed of in accordance with applicable Federal and District laws, as well as guidelines from the CDC.
- 6315.12 Each provider shall ensure that its facilities have comfortable lighting, proper ventilation, and moisture and temperature control. Rooms, including bedrooms and activity rooms below ground level, shall be dry and the temperature shall be maintained within a normal comfort range.
- 6315.13 Each facility shall have potable water available for each client.
- 6315.14 No smoking shall be allowed inside a program's facility.
- 6315.15 Providers' physical design and structure shall be sufficient to accommodate staff, clients, and functions of the program(s), and shall make available the following:
- (a) A reception area;
 - (b) Private areas for individual treatment services;
 - (c) An area(s) for dining, if applicable; and
 - (d) Separate bathrooms and/or toilet facilities in accordance with District law where the:

- (1) Required path of travel to the bathroom shall not be through another bedroom;
 - (2) Windows and doors provide privacy; and
 - (3) Showers and toilets not intended for individual use provide privacy.
- 6315.16 If activity space is used for purposes not related to the program's mission, the provider shall ensure that:
- (a) The quality of services is not reduced;
 - (b) Activity space in use by other programs shall not be counted as part of the required activity space; and
 - (c) Client confidentiality is protected, as required by 42 CFR Part 2 and other applicable Federal and District laws and regulations.
- 6315.17 The use of appliances such as cell phones, computers, televisions, radios, CD players, recorders, and other electronic devices shall not interfere with the therapeutic program.
- 6315.18 Each facility shall maintain an adequately supplied first-aid kit which:
- (a) Shall be maintained in a place known and readily accessible to clients and employees; and
 - (b) Shall be adequate for the number of persons in the facility.
- 6315.19 Each provider shall have on-site at each facility a fully functioning automatic external defibrillator ("AED") and shall ensure that all staff are trained in how to use the AED.
- 6315.20 Each provider shall have on-site at each facility at least one dose of naloxone that is unexpired and shall ensure that all staff are trained in how to administer the naloxone.
- 6315.21 Each provider shall post emergency numbers near its telephones for fire, police, and poison control, along with contact information and directions to the nearest hospital.
- 6315.22 A provider shall have an interim plan addressing safety and continued service delivery during construction.
- 6315.23 For both initial certification and re-certification, if the facility has had work done requiring a DCRA building permit or other related permits such as plumbing or electrical within the twelve (12) months prior to application for initial certification

or re-certification, the applicant shall also submit copies of the DCRA permits and post-work inspection approvals.

6316 MEDICATION STORAGE AND ADMINISTRATION STANDARDS

- 6316.1 Controlled substances shall be maintained in accordance with applicable Federal and District laws and regulations.
- 6316.2 An SUD treatment program shall implement written policies and procedures to govern the acquisition, safe storage, prescribing, dispensing, labeling, administration, and the self-administration of medication, including medications clients may bring into the program that shall have a record of the prescribing physician's order or approval prior to the administration or self-administration of medication.
- 6316.3 Any prescribed medication brought into a facility by a client shall not be administered or self-administered until the medication is identified and the attending practitioner's written order or approval is documented in the client record.
- 6316.4 Verbal orders may only be given by the attending practitioner to another physician, PA, APRN, RN, or pharmacist. Verbal orders shall be noted in the client's record as such and countersigned and dated by the prescribing practitioner within twenty-four (24) hours.
- 6316.5 Medication, both prescription and over-the-counter, brought into a facility must be packaged and labeled in accordance with Federal and District laws and regulations.
- 6316.6 Medication, both prescription and over-the-counter, brought into a facility by a client that is not approved by the attending practitioner shall be packaged, sealed, stored, and returned to the client upon discharge.
- 6316.7 The administration of medications, excluding self-administration, shall be permitted only by licensed individuals pursuant to applicable District laws and regulations.
- 6316.8 Medications shall be administered only in accordance with the prescribing practitioner's order.
- 6316.9 Only a physician, APRN, RN, or PA shall administer controlled substances or injectable drugs, excluding self-administered drugs.
- 6316.10 Program staff responsible for supervision of the self-administration of medication shall document consultations with a physician, APRN, RN, pharmacist, or referral to appropriate reference material regarding the action and possible side effects or adverse reactions of each medication under their supervision.

- 6316.11 As applicable, a program shall provide training to the staff designated to supervise the self-administration of medication. The training shall include but not be limited to the expected action of and adverse reaction to the self-administered medication.
- 6316.12 Only trained staff shall be responsible for observing the self-administration of medication.
- 6316.13 Medication administration training shall be facilitated by the following Qualified Practitioners, as led by signature and date on the training certificate:
- (a) Physicians;
 - (b) PAs;
 - (c) APRNs; or
 - (d) RNs.
- 6316.14 A program shall ensure that medication is available to clients as prescribed.
- 6316.15 A program shall maintain records that track and account for all medication, ensuring the following:
- (a) That each client receiving medication shall have a medication administration record, which includes the individual's name, the name of medication, the type of medication (classification), the amount of medication, the dose and frequency of administration/self-administration, and the name of staff who administered or observed the self-administration of the medication;
 - (b) That documentation shall include omission and refusal of medication administration;
 - (c) That the medication administration record shall note the amount of medication originally present and the amount remaining;
 - (d) That documentation of medication administration shall include over-the-counter drugs administered or self-administered; and
 - (e) That SUD treatment programs administering controlled substances, including but not limited to methadone, shall follow the requirements of applicable Federal and District laws and regulations.
- 6316.16 An attending practitioner shall be notified immediately of any medication error or adverse reaction. The staff responsible for the medication error shall complete an incident report, and the practitioner's recommendations and subsequent actions taken by the program shall be documented in the client record.

- 6316.17 A program shall ensure that all medications, including those that are self-administered, are secured in locked storage areas.
- 6316.18 The locked medication area shall provide for separation of internal and external medications.
- 6316.19 A program shall maintain a list of personnel who have access to the locked medication area and, where applicable, are qualified to administer medication.
- 6316.20 A program shall comply with all Federal and District laws and regulations concerning the acquisition and storage of pharmaceuticals.
- 6316.21 Each client's medication shall be properly labeled as required by Federal and District laws and regulations, shall be stored in its original container, and shall not be transferred to another container or taken by clients other than the client for whom it was originally prescribed.
- 6316.22 Medications requiring refrigeration shall be maintained in a separate and secure refrigerator, labeled "FOR MEDICATION ONLY" and shall be maintained at a temperature between thirty-six degrees Fahrenheit (36°F) and forty-six degrees Fahrenheit (46°F). All refrigerators shall have thermometers, which are easily readable, in proper working condition, and accurate within a range of plus or minus two (2) degrees.
- 6316.23 A program shall conspicuously post in the drug storage area the following information:
- (a) Telephone numbers for the regional Poison Control Center; and
 - (b) Metric-apothecaries weight and conversion measure charts.
- 6316.24 A program shall conduct monthly inspections of all drug storage areas to ensure that medications are stored in compliance with Federal and District laws and regulations. The program shall maintain records of these inspections for verification.
- 6316.25 Where applicable, the program shall implement written policies and procedures for the control of stock pharmaceuticals.
- 6316.26 The receipt and disposition of stock pharmaceuticals must be accurately documented as follows:

- (a) Invoices from companies or pharmacies shall be maintained to document the receipt of stock pharmaceuticals;
- (b) A log shall be maintained for each stock pharmaceutical that documents receipt and disposition; and
- (c) At least quarterly, each stock pharmaceutical shall be reconciled as to the amount received and the amount dispensed.

6316.27 A program shall implement written procedures and policies for the disposal of medication.

6316.28 Any medication left by the client at discharge shall be destroyed within thirty (30) calendar days after the client has been discharged, with the exception of Methadone and other controlled substances which must be returned to the point of issue or destroyed in accordance with Federal regulations.

6316.29 The disposal of all medications shall be witnessed and documented by two (2) staff members.

6317 VEHICLE ENVIRONMENTAL AND SAFETY STANDARDS

6317.1 A provider shall implement measures to ensure the safe operation of its transportation service, if applicable. These measures shall include, but are not limited to:

- (a) Automobile insurance with adequate liability coverage;
- (b) Regular inspection and maintenance of vehicles, as required by law;
- (c) Adequate first aid supplies and fire suppression equipment secured in the vehicles;
- (d) Training of vehicle operators in emergency procedures and in the handling of accidents and road emergencies; and
- (e) Verification to ensure that vehicles are operated by properly licensed drivers with driving records that are absent of serious moving violations, including but not limited to driving under the influence.

6318 FOOD AND NUTRITION STANDARDS

6318.1 The provisions of this section apply to any provider that prepares or serves food.

6318.2 All programs that prepare food shall have a current Certified Food Protection Manager ("CFPM") certification from the District of Columbia Department of Health, and the CFPM must be present whenever food is prepared and served.

- 6318.3 The provider shall require each CFPM to monitor any staff members who are not certified as CFPMs in the storage, handling, and serving of food and in the cleaning and care of equipment used in food preparation in order to maintain sanitary conditions at all times.
- 6318.4 The kitchen, dining, and food storage areas shall be kept clean, orderly, and protected from contamination.
- 6318.5 A program providing meals shall maintain a fully equipped and supplied code-compliant kitchen area unless meals are catered by an organization licensed by the District to serve food.
- 6318.6 A program may share kitchen space with other programs if the accommodations are adequate to perform required meal preparation for all programs using the kitchen.
- 6318.7 Each food and drink item procured, stored, prepared, or served by the facility shall be clean, free from spoilage, prepared in a manner that is safe for human consumption, and protected from contamination.
- 6318.8 Dishes, cooking utensils, and eating utensils shall be cleaned after each meal and stored to maintain their sanitary condition.
- 6318.9 Hot and cold water, soap, and disposable towels shall be provided for hand washing in or adjacent to food preparation areas.
- 6318.10 Each facility shall maintain adequate dishes, utensils, and cookware in good condition and in sufficient quantity for the facility.

6319 PERSONNEL TRAINING STANDARDS

- 6319.1 Provider staff shall have annual training that meets the Occupational Safety & Health Administration (“OSHA”) regulations that govern behavioral health facilities and any other applicable infection control guidelines, including use of universal precaution and avoiding exposure to hepatitis, tuberculosis, and HIV.
- 6319.2 A treatment program shall have at least two (2) staff persons, trained and certified by a nationally recognized authority that meets OSHA guidelines for basic first aid and cardiopulmonary resuscitation (“CPR”), present at all times during the hours of operation of the program. An SUD recovery program shall have at least one (1) staff person trained and certified by a recognized authority that meets OSHA guidelines in basic first aid and CPR present at all times during the hours of operation of the program. Programs serving parents with children may have additional requirements related to first aid training, pursuant to § 6326.
- 6319.3 A program shall have a current written plan for staff development and organizational onboarding, approved by the Department which reflects the training and performance improvement needs of all employees working in that

program. The plan should address the steps the organization will take to ensure the recruitment and retention of highly qualified employees and the reinforcement of staff development through training, supervision, the performance management process, and activities such as shadowing, mentoring, skill testing and coaching. The plan should, at a minimum, include culturally competent training and onboarding activities in the following core areas:

- (a) The program's approach to addressing treatment or RSS (as appropriate to its certification), including philosophy, goals and methods;
- (b) The staff member's specific job description and role in relationship to other staff;
- (c) The emergency preparedness plan and all safety-related policies and procedures;
- (d) The proper documentation of services in client records, as applicable;
- (e) Policies and procedures governing infection control, protection against exposure to communicable diseases, and the use of universal precautions;
- (f) Laws, regulations, and policies governing confidentiality of client information and release of information, including 42 CFR Part 2;
- (g) Laws, regulations, and policies governing reporting abuse and neglect;
- (h) Client rights; and
- (i) Other trainings directed by the Department.

6320 CLIENT RIGHTS AND PRIVILEGES, INCLUDING GRIEVANCES

6320.1 A program shall protect the following rights and privileges of each client:

- (a) Right to be admitted and receive services in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §§ 2501 *et seq.*);
- (b) Right to make choices regarding provider, treatment, medication, and advance directives, when necessary;
- (c) Right to receive prompt evaluation, care, and treatment, in accordance with the highest quality standards;
- (d) Right to receive services and live in healthy, safe, and clean place;
- (e) Right to be evaluated and cared for in the least restrictive and most integrated environment appropriate to an individual's needs;

- (f) Right to participate in the treatment planning process, including decisions concerning treatment, care, and other services, and to receive a copy of the Plan of Care;
- (g) Right to have records kept confidential;
- (h) Right to privacy;
- (i) Right to be treated with respect and dignity in a humane treatment environment;
- (j) Right to be safe from harm and from verbal, physical, or psychological abuse;
- (k) Right to be free of discrimination;
- (l) Right to be paid commensurate wages for work performed in compliance with applicable Federal and District laws and regulations;
- (m) Right to own personal belongings;
- (n) Right to refuse treatment and/or medication;
- (o) Right to give, not give, or revoke already-given consent to treatment, supports, and/or release of information;
- (p) Right to give, not give, or revoke informed, voluntary, written consent of the client or a person legally authorized to act on behalf of the client to participate in research; the right to protection associated with such participation; and the right and opportunity to revoke such consent;
- (q) Right to be informed, in advance, of charges for services;
- (r) Right to be afforded the same legal rights and responsibilities as any other citizen, unless otherwise stated by law;
- (s) Right to request and receive documentation on the performance track record of a program with regard to treatment outcomes and success rates;
- (t) Right to provide feedback on treatment and RSS, including evaluation of providers;
- (u) Right to assert grievances with respect to infringement of these rights, including the right to have such grievances considered in a fair, timely, and impartial manner;
- (v) Right to receive written and oral information on client rights, privileges, program rules, and grievance procedures in a language understandable to the client;

- (w) Right to access services that are culturally appropriate, including the use of adaptive equipment, sign language, interpreter, or translation services, as appropriate; and
 - (x) Right to vote.
- 6320.2 As soon as clinically feasible, the limitation of a client's rights shall be terminated and all rights restored.
- 6320.3 A program shall post conspicuously a statement of client rights, program rules, and grievance procedures. The grievance procedures must inform clients that they may report any violations of their rights to the Department and shall include the telephone numbers of the Department and any other relevant agencies for the purpose of filing complaints.
- 6320.4 At the time of admission to a program, staff shall explain program rules, client rights, and grievance procedures. Program staff shall document this explanation by including a form, signed by the client and witnessed by the staff person, within the client's record.
- 6320.5 A program shall develop and implement written grievance procedures to ensure a prompt, impartial review of any alleged or apparent incident of violation of rights or confidentiality. The procedures shall be consistent with the principles of due process and Department requirements and shall include but not be limited to:
- (a) Reporting the allegation or incident to the Department within twenty-four (24) hours of it coming to the attention of program staff;
 - (b) The completion of the investigation of any allegation or incident within thirty (30) calendar days;
 - (c) Providing a copy of the investigation report to the Department within twenty-four (24) hours of completing the investigation of any complaint; and
 - (d) Cooperating with the Department in completion of any inquiries related to clients' rights conducted by Department staff.
- 6320.6 Medicaid beneficiaries are entitled to Notice and Appeal rights pursuant to § 9508 of Title 29 DCMR in cases of intended adverse action such as an action to deny, discontinue, terminate, or change the manner or form of Medicaid-funded SUD services.
- 6320.7 The client or legal guardian shall be given a written statement concerning client's rights and responsibilities ("Client's Rights Statement") in the program. The client or guardian shall sign the statement attesting to his or her understanding of these rights and responsibilities as explained by the staff person who shall witness

the client's or guardian's signature. This document shall be placed in the client's record.

6321 CLIENT CHOICE

6321.1 Each provider shall establish and adhere to policies and procedures governing the means by which clients shall be informed of the full choices of providers and how to access these services ("Client Choice Policy").

6321.2 The Department shall review and approve each provider's Client Choice Policy during the certification process.

6321.3 The Client Choice Policy shall comply with applicable Federal and District laws and regulations.

6321.4 Each provider shall:

(a) Make its Client Choice Policy available to consumers and their families; and

(b) Establish and adhere to a system for documenting that clients and families receive the Client Choice Policy.

6321.5 Each providers' Client Choice Policy shall ensure that each client requesting SUD services directly from the provider is informed that the client may choose to have SUD services provided by any of the other certified providers that offer the appropriate LOC for that client.

6322 CLIENT RECORDS MANAGEMENT AND CONFIDENTIALITY

6322.1 A program shall create and maintain an organized record for each client receiving services.

6322.2 All records must be secured in a manner that provides protection from unauthorized disclosure, access, use, or damage in accordance with both Federal and District laws and regulations.

6322.3 All client records shall be kept confidential and shall be handled in compliance with 42 CFR Part 2, and both Federal and District laws and regulations regarding the confidentiality of client records.

6322.4 Each provider shall have a designated privacy officer responsible for ensuring compliance with privacy requirements.

6322.5 A program shall ensure that all staff and clients, as part of their orientation, are informed of the privacy requirements.

- 6322.6 A decision to disclose protected health information (“PHI”), under any provisions of Federal or District laws or regulations that permit such disclosure, shall be made only by the Privacy Officer or his/her designee with appropriately administered consent procedures.
- 6322.7 A program shall implement policies and procedures for the release of identifying information consistent with Federal and District laws and regulations regarding the confidentiality of client records including 42 CFR Part 2, the District of Columbia Mental Health Information Act, and the Health Insurance Portability and Accountability Act (“HIPAA”).
- 6322.8 The program shall encourage all enrolled clients to authorize the release of information to other certified providers, primary health care providers, and other health care organizations engaged in treating the client in order to facilitate treatment and coordination of care.
- 6322.9 The program director shall designate a staff member to be responsible for the maintenance and administration of records.
- 6322.10 A program shall arrange and store records according to a uniform system approved by the Department.
- 6322.11 A program shall maintain records such that they are readily accessible for use and review by authorized staff and other authorized parties.
- 6322.12 A program shall organize the content of records so that information can be located easily and so that Department surveys and audits can be conducted with reasonable efficiency.

6323 STORAGE AND RETENTION OF CLIENT RECORDS

- 6323.1 A provider shall retain client records (either original or accurate reproductions) until all litigation, adverse audit findings, or both, are resolved. If no such conditions exist, a provider shall retain client records for at least six (6) years after discharge.
- 6323.2 Records of minors shall be kept for at least six (6) years after such minor has reached the age of eighteen (18) years.
- 6323.3 The provider shall establish a Document Retention Schedule with all medical records retained in accordance with Federal and District laws and regulations.
- 6323.4 If the records of a program are maintained on computer systems, the computer system shall:
- (a) Have a backup system to safeguard the records in the event of operator or equipment failure, natural disasters, power outages, and other emergency situations;

- (b) Identify the name of the person making each entry into the record;
- (c) Be secure from inadvertent or unauthorized access to records in accordance with 42 CFR Part 2 and other Federal and District laws and regulations regarding the confidentiality of client records;
- (d) Limit access to providers who are involved in the care of the client and who have permission from the client to access the record; and
- (e) Create an electronic alert when data is released.

6323.5 A program shall maintain records that safeguard confidentiality in the following manner:

- (a) Records shall be stored with access controlled and limited to authorized staff and authorized agents of the Department;
- (b) Written records that are not in use shall be maintained in either a secured room, locked file cabinet, safe, or other similar container;
- (c) The program shall implement policies and procedures that govern client access to their own records;
- (d) The policies and procedures of a program shall only restrict a client's access to their record or information in the record after an administrative review with clinical justification has been made and documented;
- (e) Clients shall receive copies of their records as permitted under 42 CFR Part 2;
- (f) All staff entries into the record shall be clear, complete, accurate, and recorded in a timely fashion;
- (g) All entries shall be dated and authenticated by the recorder with full signature and title;
- (h) All non-electronic entries shall be typewritten or legibly written in indelible ink that will not deteriorate from photocopying;
- (i) Any documentation error shall be marked through with a single line and initialed and dated by the recorder; and
- (j) Limited use of symbols and abbreviations shall be pre-approved by the program and accompanied by an explanatory legend.

6323.6 Any records that are retained off-site must be kept in accordance with this chapter. If an outside vendor is used, the provider must submit the vendor's name, address, and telephone number to the Department.

6324 CLIENT RECORD CONTENTS

6324.1 At a minimum, all client records shall include:

- (a) Documentation of the referral and initial screening interview and its findings;
- (b) The individual's consent to SUD services;
- (c) The Client's Rights Statement;
- (d) Documentation that the client received:
 - (1) An orientation to the program's services, rules, confidentiality practices, and client's rights; and
 - (2) Notice of privacy practices.
- (e) Confidentiality forms and releases signed to permit the facility to obtain and/or release information;
- (f) Diagnostic interview and assessment record, including any Department-approved screening and assessment tools;
- (g) Evaluation of medical needs and, as applicable, medication intake sheets and special diets which shall include:
 - (1) Documentation of physician's orders for medication and treatment, change of orders, and/or special treatment evaluation;
 - (2) For drugs prescribed following admissions, any prescribed drug product by name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed; and
 - (3) For any prescribed over-the-counter ("OTC") medications following admissions, any OTCs by product name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed.
- (h) Assessments and individual treatment plans pursuant to the LOC and the client's needs, including recovery plans, if applicable;
- (i) Encounter notes, which provide sufficient written documentation to support each therapy, service, activity, or session for which billing is made that, at a minimum, consists of:
 - (1) The specific service type rendered;

- (2) Dated and authenticated entries with their authors identified, that include the duration, and actual time (beginning and ending as well as a.m. or p.m.), during which the services were rendered. To constitute a valid signature, digital signatures must include a date and time stamp contemporaneous with the signature function and must be recorded and readily retrievable in the electronic system's audit log;
 - (3) Name, title, and credentials (if applicable) of the person providing the services;
 - (4) The setting in which the services were rendered;
 - (5) Confirmation that the services delivered are contained in the client's treatment or recovery plan and are identified in the encounter note;
 - (6) A description of each encounter or intervention provided to the client, which is sufficient to document that the service was provided in accordance with this chapter;
 - (7) A description of the client's response to the intervention sufficient to show, particularly in the case of group interventions, their unique participation in the service; and
 - (8) Provider's observations.
- (j) Documentation of all services provided to the client as well as activities directly related to the individual treatment or recovery plan that are not included in encounter notes;
 - (k) Documentation of missed appointments and efforts to contact and reengage the client;
 - (l) Documentation of any personal articles of the client held by the provider for safekeeping and any statements acknowledging receipt of the property;
 - (m) Emergency contact information of individuals to contact in case of a client emergency with appropriate consent to share information;
 - (n) Documentation of all referrals to other agencies and the outcome of such referrals;
 - (o) Documentation establishing all attempts to acquire necessary and relevant information from other sources;

- (p) Pertinent information reported by the client, family members, or significant others regarding a change in the individual's condition and/or an unusual or unexpected occurrence in the client's life;
- (q) Drug test results and incidents of drug use;
- (r) Discharge summary and aftercare plan;
- (s) Outcomes of care and follow-up data concerning outcomes of care;
- (t) Documentation of correspondence including with other medical, community providers, human service, social service, and criminal justice entities as it pertains to a client's treatment and/or recovery; and
- (u) Documentation of a client's representative payee or legal guardian, as applicable.

6325 RESIDENTIAL TREATMENT AND RECOVERY PROGRAMS

- 6325.1 The provisions of this section apply only to residential treatment programs and environmental stability programs, as defined by this chapter.
- 6325.2 Each residential provider, except providers only offering environmental stability, must obtain a Certificate of Need ("CON"), from the District of Columbia State Health Planning and Development Agency ("SHPDA").
- 6325.3 The CON must be submitted as part of the certification application packet.
- 6325.4 Each residential treatment program serving children and youth under eighteen (18) must obtain written approval from the Office of the State Superintendent of Education ("OSSE").
- 6325.5 Residential treatment and environmental stability providers shall comply with all applicable construction codes and housing codes, and zoning requirements applicable to the facility, including all Certificate of Occupancy, Basic Business License ("BBL"), and Construction Permit requirements.
- 6325.6 Each newly established residential treatment and environmental stability provider shall provide proof of a satisfactory pre-certification inspection by DCRA for initial certification, dated not more than forty-five (45) calendar days prior to the date of submission to the Department, for District of Columbia Property Maintenance Code (12-G DCMR) and Housing Code (14 DCMR) compliance, including documentation of the inspection date and findings and proof of abatement certified by DCRA of all deficiencies identified during the inspection. This requirement can be met by submission of a Certificate of Occupancy or a BBL dated within the past six (6) months, provided that that applicant can demonstrate that DCRA performed an onsite inspection of the premises.

- 6325.7 For existing residential treatment and recovery programs that are applying for re-certification, the applicants shall also provide proof of current BBLs.
- 6325.8 Residential facilities' physical design and structure shall be sufficient to accommodate staff, clients, and functions of the program and shall make available an area(s) for indoor social and recreational activities.
- 6325.9 A program that provides overnight accommodations shall not operate more beds than the number for which it is authorized by the Department.
- 6325.10 Other than routine household duties, no client shall be required to perform unpaid work.
- 6325.11 Upon admission to a residential program, each client shall be provided a copy of the program's house rules.
- 6325.12 Each residential program shall have house rules consistent with this chapter and that include, at a minimum, rules concerning:
- (a) The use of tobacco;
 - (b) The use of the telephone;
 - (c) Utilizing, viewing or listening to cell phones, television, radio, computers, CDs, DVDs, or other media such as social media;
 - (d) Movement of clients in and out of the facility, including a requirement for escorted movements by program staff or another agency-approved escort;
 - (e) A policy that addresses search and drug testing upon return to the facility; and
 - (f) The prohibition of sexual relations between staff/volunteers and clients.
- 6325.13 Each residential program shall be equipped, furnished, and maintained to provide a functional, safe, and comfortable home-like setting.
- 6325.14 The dining area shall have a sufficient number of tables and chairs to seat all individuals residing in the facility at the same time. Dining chairs shall be sturdy, non-folding, without rollers unless retractable, and designed to minimize tilting.
- 6325.15 Each residential program shall permit each client to bring reasonable personal possessions, including clothing and personal articles, to the facility unless the provider can demonstrate that it is not practical, feasible or safe.
- 6325.16 Each residential facility shall provide clients with access to reasonable individual storage space for private use.

- 6325.17 Upon each client's discharge from a residential program, the provider shall return to the client, or the client's representative, any personal articles of the client held by the provider for safekeeping. The provider shall also ensure that the client is permitted to take all of his or her personal possessions from the facility. The provider may require the client or client's representative to sign a statement acknowledging receipt of the property. A copy of that receipt shall be placed in the client's record.
- 6325.18 Each residential program shall maintain a separate and accurate record of all funds that the client or the client's representative or representative payee deposits with the provider for safekeeping. This record shall include the signature of the client for each withdrawal and the signature of facility staff for each deposit and disbursement made on behalf of a client.
- 6325.19 Each residential facility shall be equipped with a functioning landline or mobile telephone for use by clients. The telephone numbers shall be provided to residents and to the Department.
- 6325.20 Staff bedrooms shall be separate from resident bedrooms and all common living areas.
- 6325.21 Each facility housing a residential program shall have a functioning doorbell or knocker.
- 6325.22 Each bedroom shall comply with the space and occupancy requirements for habitable rooms in 14 DCMR § 402.
- 6325.23 The provider shall ensure each client has the following items:
- (a) A bed, which shall not be a cot;
 - (b) A mattress that was new when purchased by the provider, has a manufacturer's tag or label attached to it, and is in good, intact condition with unbroken springs and clean surface fabric;
 - (c) A bedside table or cabinet and an individual reading lamp with at least a seventy-five (75) watt, or its LED light bulb equivalent, rate of capacity;
 - (d) Storage space in a stationary cabinet, chest, or closet that provides at least one (1) cubic foot of space for each client for valuables and personal items;
 - (e) Sufficient suitable storage space, including a dresser and closet space, for personal clothing, shoes, accessories, and other personal items; and
 - (f) A waste receptacle and clothes hamper with lid.

- 6325.24 Each bed shall be placed at least three (3) feet from any other bed and from any uncovered radiator.
- 6325.25 Each bedroom shall have direct access to a major corridor and at least one window to the outside, unless the DCRA, or a successor agency responsible for enforcement of the D.C. Housing Code, has determined that it otherwise meets the lighting and ventilation requirements of the D.C. Housing Code for habitable rooms.
- 6325.26 Each facility housing a residential program shall provide one or more bathrooms for clients that are equipped with the following fixtures, properly installed and maintained in good working condition:
- (a) Toilet (water closet);
 - (b) Sink (lavatory);
 - (c) Shower or bathtub with shower, including a handheld shower; and
 - (d) Grab bars in showers and bathtubs.
- 6325.27 Each residential facility shall provide at least one (1) bathroom for each six (6) occupants in compliance with 14 DCMR § 602.
- 6325.28 Each bathroom shall be adequately equipped with the following:
- (a) Toilet paper holder and toilet paper;
 - (b) Paper towel holder and paper towels or clean hand towels;
 - (c) Soap;
 - (d) Mirror;
 - (e) Adequate lighting;
 - (f) Waste receptacle;
 - (g) Floor mat;
 - (h) Non-skid tub mat or decals; and
 - (i) Shower curtain or shower door.
- 6325.29 Each residential provider shall ensure that properly anchored grab bars or handrails are provided near the toilet or other areas of the bathroom, if needed by any resident in the facility.

- 6325.30 Adequate provision shall be made to ensure each client's privacy and safety in the bathroom.
- 6325.31 Each residential program shall promote each client's participation and skill development in menu planning, shopping, food storage, and kitchen maintenance, if appropriate.
- 6325.32 Each residential program shall provide appropriate equipment (including a washing machine and dryer) and supplies on the premises or through a laundry service to ensure sufficient clean linen and the proper sanitary washing and handling of linen and clients' personal clothing.
- 6325.33 Each program shall ensure that every client has at least three (3) washcloths, two (2) towels, two (2) sheet sets that include pillow cases, a bedspread, a pillow, a blanket, and a mattress cover in good and clean condition.
- 6325.34 Each blanket, bedspread, and mattress cover shall be cleaned regularly, whenever soiled, and before being transferred from one resident to another.
- 6325.35 Each piece of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness, provided that all towels and bed linen shall be changed at least once each week.
- 6325.36 No person who is not a client, staff member, or child of a client (only in the case of programs for parents and children) may reside at a facility that houses a residential treatment program.
- 6325.37 Providers shall ensure that clients can access all scheduled or emergency medical and dental appointments.
- 6325.38 Providers serving parents and children must take precautions to ensure child safety, including but not limited to protection for windows, outlets, and stairways.
- 6325.39 Each facility housing a program that provides services for parents with children shall have extra supplies for babies, including but not limited to diapers, wipes, baby soap and baby food and formula.
- 6325.40 The following provisions apply only to residential treatment programs, except environmental stability programs, as defined by this chapter:
- (a) A program that provides overnight accommodations shall ensure that evening and overnight shifts have at least two (2) staff members on duty.
 - (b) Children and youth under eighteen (18) may not reside at an adult residential treatment facility or visit overnight at a facility not certified to serve parents and children. This information must be included in the house rules.

- (c) Each provider shall maintain a current inventory of each client's personal property and shall provide a copy of the inventory, signed by the client and staff, to the client.
- (d) Each provider shall take appropriate measures to safeguard and account for personal property brought into the facility by a resident.
- (e) Each provider shall provide the client, or the client's representative, with a receipt for any personal articles to be held by the provider for safekeeping that includes and the date it was deposited with the provider and maintain a record of all articles held for safekeeping.
- (f) Each residential treatment program shall have a licensed dietitian or nutritionist available, a copy of whose current license shall be maintained on file, to provide the following services:
 - (1) Review and approval of menus;
 - (2) Education for individuals with nutrition deficiencies or special needs;
 - (3) Coordination with medical personnel, as appropriate; and
 - (4) A nutritional assessment for each client within three (3) calendar days of admission unless the client has a current assessment or doctor's order for dietary guidelines.
- (g) The provider shall provide at least three (3) meals per day and between meal snacks that:
 - (1) Provide a nourishing, well-balanced diet in accordance with dietary guidelines established by the United States Department of Agriculture;
 - (2) Are suited to the special needs of each client; and
 - (3) Are adjusted for seasonal changes, particularly to allow for the use of fresh fruits and vegetables.
- (h) The provider shall ensure that menus are written on a weekly basis, that the menus provide for a variety of foods at each meal, and that menus are varied from week to week. Menus shall be posted for the clients' review.
- (i) The provider shall ensure that a copy of each weekly menu is retained for a period of six (6) months. The menus retained shall include special diets and reflect meals as planned and as actually served, including handwritten notations of any substitutions. The provider shall also retain receipts and

invoices for food purchases for six (6) months. The records required to be retained by this subsection are subject to review by the Department.

- (j) Each meal shall be scheduled so that the maximum interval between each meal is no more than six (6) hours, with no more than fourteen (14) hours between a substantial evening meal and breakfast the following day.
- (k) If a client refuses food or misses a scheduled meal, appropriate food substitutions of comparable nutritional value shall be offered.
- (l) If a client will be away from the program during mealtime for necessary medical care, work, or other scheduled appointments, the program shall provide an appropriate meal and in-between-meal snack for the client to carry with him or her and shall ensure that the meal is nutritious as required by these rules and suited to the special needs of the client.
- (m) A residential treatment program providing meals shall implement a written Nutritional Standards Policy that outlines their procedures to meet the dietary needs of its clients, ensuring access to nourishing, well-balanced, and healthy meals. The policy shall identify the methods and parties responsible for food procurement, storage, inventory, and preparation.
- (n) The Nutritional Standards Policy shall include procedures for individuals unable to have a regular diet as follows:
 - (1) Providing clinical diets for medical reasons, when necessary;
 - (2) Recording clinical diets in the client's record;
 - (3) Providing special diets for clients' religious needs; and
 - (4) Maintaining menus of special diets or a written plan stating how special diets will be developed or obtained when needed.
- (o) A residential treatment program shall make reasonable efforts to prepare meals that consider the cultural background and personal preferences of the clients.
- (p) Meals shall be served in a pleasant, relaxed dining area that accommodates families and children.
- (q) Under the supervision of a Qualified Practitioner, all Level 3 programs except MMIWM programs shall:
 - (1) Provide training in activities of daily living;

- (2) Provide therapeutic recreational activities designed to help the client learn ways to use leisure time constructively, develop new personal interests and skills, and increase social adjustment; and
- (3) Ensure that staff providing activities listed in subparagraphs (1) and (2) have a high school degree or a GED and at least twenty (20) hours of in-service training per year regarding issues of substance abuse.

6326 PROGRAMS SERVING PARENTS AND CHILDREN

- 6326.1 In addition to core requirements and other standards described in this chapter, a program providing SUD treatment services to parents and their children shall comply with the provisions of this section.
- 6326.2 The provider shall specify in its certification application the age range of the children that will be accepted in the program of parents with children, and ensure that it satisfies Federal and District laws and regulations governing care for children including those listed in this section.
- 6326.3 The Department will include in the program certification a designation as a program serving parents with children, and specify the age range of children that may be accepted when the parents are admitted into the program.
- 6326.4 Programs shall ensure that children are supervised at all times. Programs shall ensure that parents designate an alternate caretaker who is not in the program to care for the children in case of emergency.
- 6326.5 Programs serving parents and young children (ages zero [0] to five [5]) shall also serve pregnant women.
- 6326.6 Programs shall ensure all parents and children are connected to a primary care provider and any other needed specialized medical provider and shall facilitate medical appointments and treatment for parents and children in the program.
- 6326.7 Programs shall ensure that childcare/daycare is available for children, provided while the parent participates in treatment services either directly or through contractual or other affiliation.
- 6326.8 A program that directly operates a child development facility shall be licensed in accordance with District laws and regulations.
- 6326.9 Programs that serve parents with children shall ensure that school-age children are in regular attendance at a public, independent, private, or parochial school, or in private instruction in accordance with District laws and regulations, and support the parent's engagement with the child's school.

- 6326.10 Programs that serve parents with school-age children shall ensure that children have access to tutoring programs.
- 6326.11 Before a parent and child can be admitted to a program serving parents and children, the program shall ensure that it has a copy of the child's current immunization records, which must be up to date. A sixty (60) calendar day grace period will be provided to a parent(s) or child experiencing homelessness.
- 6326.12 Programs that serve parents with children shall record information about the children residing in or attending the program who are not formally admitted for treatment, including but not limited to the following, as applicable:
- (a) Individualized education plans ("IEPs");
 - (b) Report cards;
 - (c) Health records; and
 - (d) Information linking the child to the course of treatment for the parent, as clinically indicated.
- 6326.13 Programs shall develop policies and procedures for determining the need to formally admit or refer a child.
- 6326.14 A program that is also certified to treat children and youth shall establish a separate record for each child when a clinical determination is made to formally admit the child.
- 6326.15 An individualized Plan of Care shall be developed for any child who is formally admitted to the program.
- 6326.16 The program shall obtain informed consent prior to rendering services.
- 6326.17 Service delivery and program administration staff shall demonstrate experience and training in addressing the needs of parents and children.
- 6326.18 All services delivery staff shall receive periodic training regarding therapeutic issues relevant to parents and children. At least two (2) times per year, the program shall provide or arrange training on each of the following topics:
- (a) Child development; and
 - (b) The appropriate care and stimulation of infants, including drug-affected newborn infants.
- 6326.19 Service delivery staff shall maintain current training in first aid and CPR for infants and children.

6326.20 Programs shall ensure that an annual medical evaluation is performed for each parent and child.

6326.21 Programs shall ensure that recommendations by a physician or APRN are followed.

6327 PROVIDER REQUIREMENTS FOR OPIOID TREATMENT PROGRAMS

6327.1 In accordance with 42 CFR Part 8, Certification of Opioid Treatment Programs (“OTPs”), all OTPs must be certified by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”), the Drug Enforcement Administration (“DEA”), and accredited by a national accreditation body that has been approved by SAMHSA.

6327.2 OTPs shall comply with Federal requirements for opioid treatment, as specified in 42 CFR Part 8, and shall comply with Federal and District laws and regulations for maintaining controlled substances as specified in Chapter 10, Title 22-B DCMR and 21 CFR Part 1300, respectively.

6327.3 OTPs shall submit to the Department photocopies of all applications, reports, and notifications required by Federal laws and regulations.

6327.4 OTPs shall ensure the following:

- (a) That access to electronic alarm areas where drug stock is maintained shall be limited to a minimum number of authorized, licensed personnel;
- (b) That each employee shall have his or her own individual code to access alarmed stock areas, which shall be erased upon separation from the provider;
- (c) That all stored drugs (liquid, powder, solid, and reconstituted), including controlled substances, shall be clearly labeled with the following information:
 - (1) Name of substance;
 - (2) Strength of substance;
 - (3) Date of reconstitution or preparation;
 - (4) Manufacturer and lot number;
 - (5) Manufacturer’s expiration date, if applicable; and
 - (6) If applicable, reconstituted/prepared drug’s expiration date according to the manufacturer’s expiration date or one (1) year from the date of reconstitution or preparation, whichever is shorter.

- (d) Take-home medications shall be labeled and packaged in accordance with Federal and District laws and regulations and shall include the following information:
- (1) Treatment program's name, address, and telephone number;
 - (2) Physician's name;
 - (3) Client's name;
 - (4) Directions for ingestion;
 - (5) Name of medication;
 - (6) Dosage in milligrams;
 - (7) Date issued; and
 - (8) Cautionary labels, as appropriate.

6327.5 Containers of drugs shall be kept covered and stored in the appropriate locked safe, with access limited by an electronic alarm system that conforms to the DEA requirements and District laws and regulations.

6327.6 The Department shall be notified of any theft, suspected theft, or any significant loss of controlled substances, including spillage. Copies of DEA forms 106 and 41 shall be submitted to the Department.

6328 LEVELS OF CARE: GENERAL REQUIREMENTS

6328.1 All individuals seeking SUD services must be assessed and referred to a particular LOC in accordance with the Department-approved assessment tool(s) and ASAM criteria.

6328.2 Each provider is responsible for ensuring that the client receives treatment in accordance with ASAM criteria and this chapter.

6328.3 Each provider is responsible for ensuring that all staff comply with all Federal and District laws and regulations pertaining to scope of practice, licensing requirements, and supervision requirements.

6328.4 All treatment shall be:

- (a) Person-centered;
- (b) Provided only if determined to be medically necessary in accordance with the Plan of Care; and
- (c) Provided as part of organized or structured treatment services.

- 6328.5 Prior to transitioning to a new LOC, at a minimum, an Ongoing Diagnostic Assessment must be performed to ensure that the client is appropriate for the new LOC.
- 6328.6 The Clinical Care Coordinator is responsible for ensuring appropriate referral, authorization, and transition to new LOCs.
- 6328.7 A certified provider shall not deny admission for services to an otherwise qualified client because that person is receiving Medication-Assisted Treatment (“MAT”) services, even if the MAT services are provided by a different provider.
- 6328.8 All providers shall offer all Food and Drug Administration (“FDA”) approved forms of MAT to any client who meets the criteria for and selects MAT as part of their Plan of Care, in accordance with certification under this chapter or other Federal and District laws and regulations. If a provider is not certified to offer the client’s choice of medication in accordance with this chapter or under any other Federal and District laws and regulations, then the provider shall refer the client to another provider able to offer MAT that meets the client’s needs.

6329 PROVIDER REQUIREMENT: INTAKE AND ASSESSMENT

- 6329.1 Intake and Assessment is a not a Level of Care (“LOC”) but a core responsibility of all certified treatment providers. All certified treatment providers, with the exception of those certified at Level R only, shall provide an initial health screening and intake and assessment in accordance with this chapter. The intake and assessment shall include the following:
- (a) Presenting problem;
 - (b) Substance use history;
 - (c) Immediate risks related to serious intoxication or withdrawal;
 - (d) Immediate risks for self-harm, suicide and violence;
 - (e) Past and present mental disorders, including posttraumatic stress disorder and other anxiety disorders, mood disorders, and eating disorders;
 - (f) Past and present history of violence and trauma, including sexual victimization and interpersonal violence;
 - (g) Legal history, including information that a client is or is not court-ordered to treatment or under the supervision of the department of corrections;
 - (h) Employment and housing status;
 - (i) Once assessed, the provider shall refer the client to the appropriate LOC as outlined in ASAM. The client has a choice about which provider will

provide services at that LOC. If the provider that conducted the initial assessment is not chosen by the client as the place to receive services, the provider is responsible for making a referral, authorizing services, and arranging transportation to the chosen provider if same day services are requested. The provider shall have a policy and procedure that clearly outlines an intake process and an emergency intake process, including a procedure to refer individuals who are not clinically appropriate for its program.

- 6329.2 All treatment providers shall provide the following services:
- (a) Initial Assessment (if the client does not remain with assessing provider);
 - (b) SUD Counseling/Therapy;
 - (c) Crisis Intervention;
 - (d) Ongoing or Comprehensive Diagnostic Assessment (if the client remains at assessing provider);
 - (e) Drug Screening;
 - (f) CCC; and
 - (g) RSS.
- 6329.3 Treatment providers shall ensure appropriate medical staff is on duty to assess clients for acute withdrawal symptoms in addition to physical examinations. Providers should have proper infrastructure to conduct testing and screening and proper storage for testing kits.
- 6329.4 Providers shall screen all clients for RSS.
- 6329.5 Providers shall obtain client's informed consent to treatment.
- 6330 LEVEL OF CARE: OPIOID TREATMENT PROGRAM**
- 6330.1 Opioid Treatment Programs ("OTPs") provide Medication Assisted Treatment ("MAT") for clients that have an SUD that could be appropriately treated in accordance with Federal regulations.
- 6330.2 MAT is the combination of any FDA-approved medication with behavioral therapies to treat SUD. A client who receives medication to treat SUD must also receive SUD Counseling/Therapy. Use of this service should be in accordance with ASAM criteria and practice guidelines issued by the Department.
- 6330.3 OTPs shall ensure that clients seeking MAT services are informed that there are multiple medications approved to treat SUD and provide written informed consent

to the specific medication selected by the client. If the medication the client chooses is unavailable at that OTP, the provider must refer the client to another provider that offers the selected medication. No client under eighteen (18) years of age may be admitted to an OTP unless a parent or legal guardian consents in writing to such treatment.

- 6330.4 MAT may be administered on an in-office basis or as take-home regimen. Whether in-office or take-home, MAT administrations include the unit of medication and therapeutic guidance. For clients receiving a take-home regimen, therapeutic guidance must include additional guidance related to storage and self-administration. OTPs must comply with all Federal and District laws and regulations concerning MAT.
- 6330.5 The provision of MAT to treat SUD must be accompanied by a clinically appropriate array of SUD treatment services that include:
- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339;
 - (b) SUD Counseling/Therapy in accordance with § 6342;
 - (c) CCC in accordance with § 6340;
 - (d) Drug Screening in accordance with § 6343 and including at least eight (8) random drug screens per year, per client;
 - (e) Crisis Intervention in accordance with § 6341; and
 - (f) RSS in accordance with § 6344.
- 6330.6 Providers shall have medical staff (physician, PA, APRN, or RN) on duty during all clinic hours. A physician shall be available on-call during all clinic hours, if not present on site.
- 6330.7 An OTP shall provide a mechanism to address a client's medical or psychiatric emergencies occurring outside of program hours of operation, including an emergency system to obtain dosage levels and other pertinent client information, twenty-four (24) hour a day, seven (7) days a week. Every client shall be given an identification card that identifies the pharmacotherapy being administered through the OTP. The card shall include the provider's emergency contact information so that appropriate clinical information and dosing information can be obtained in an emergency.
- 6330.8 A physician shall evaluate the client a minimum of once per month for the first year that a client receives MAT and a minimum of every six (6) months thereafter, in coordination with the Plan of Care and as needed.
- 6330.9 An OTP shall require that each client undergo a complete, fully documented physical evaluation prior to prescribing or renewing a prescription for MAT. If no

physical is available within the past twelve (12) months, the provider shall ensure the full medical examination is completed within fourteen (14) days of admission to the OTP.

6330.10 An OTP shall provide counseling on preventing exposure to, and the transmission of, HIV for each client admitted or readmitted to the program.

6331 LEVEL OF CARE 1: OUTPATIENT

6331.1 Level 1 Outpatient providers shall have the capacity to provide up to eight (8) hours of SUD treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria. Level 1 Outpatient is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 1 and:

- (a) Recognize their SUD and are committed to recovery;
- (b) Are transitioning from a higher LOC;
- (c) Are in the early stages of change and not yet ready to commit to full recovery;
- (d) Have a co-occurring condition that is stable; or
- (e) Have achieved stability in recovery and can benefit from ongoing monitoring and disease management.

6331.2 Level 1 Outpatient providers may also be certified in the specialty service of Adolescent-Community Reinforcement Approach (“ACRA”) in accordance with § 6347 of this chapter for services to youth and young adults with co-occurring substance use and mental health disorders ages twelve (12) to twenty-one (21) for youth providers and twenty-two (22) to twenty-four (24) for adult providers.

6331.3 Level 1 Outpatient treatment duration varies with the severity of the patient’s SUD and their response to treatment but generally lasts up to one hundred and eighty (180) days for an initial authorization. Level 1 treatment can continue long-term in accordance with the Plan of Care, for individuals needing long-term disease management.

6331.4 Level 1 Outpatient services are determined by a Comprehensive Diagnostic Assessment, performed in accordance with § 6339.

6331.5 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the service requirements for this LOC.

6331.6 Level 1 Outpatient shall include the following mix of services in accordance with the client’s Plan of Care and this chapter (unless the client is receiving ACRA

services in which case SUD Counseling/Therapy and CCC shall be provided in accordance with § 6347):

- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339.
- (b) SUD Counseling/Therapy in accordance with § 6342;
- (c) CCC in accordance with § 6340;
- (d) Drug Screening in accordance with § 6343;
- (e) Crisis Intervention in accordance with § 6341; and
- (f) RSS in accordance with § 6344.

6332 LEVEL OF CARE 2.1: INTENSIVE OUTPATIENT PROGRAM (IOP)

6332.1 Level 2.1 Intensive Outpatient Program (IOP) providers shall have the capacity to provide between nine (9) and nineteen (19) hours of a mixture of SUD treatment services per week for adults and between six (6) and nineteen (19) hours of treatment services per week for adolescents in accordance with this section and medical necessity based on ASAM criteria. IOP is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 2.1 and:

- (a) Recognize their SUD and are committed to recovery;
- (b) Are transitioning from a different LOC; or
- (c) Have stable medical or psychiatric co-occurring conditions.

6332.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the service requirements for this LOC.

6332.3 Level 2.1 IOP includes the following mix of core services, in accordance with the client's Plan of Care:

- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339;
- (b) SUD Counseling/Therapy in accordance with § 6342;
- (c) CCC in accordance with § 6340;
- (d) Drug Screening in accordance with § 6343;
- (e) Crisis Intervention in accordance with § 6341; and
- (f) RSS in accordance with § 6344.

6333 LEVEL OF CARE 2.5: DAY TREATMENT

6333.1 Level 2.5 Day Treatment providers shall have the capacity to provide a minimum of twenty (20) hours of a mixture of SUD treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria. Day Treatment is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 2.5 and:

- (a) Have unstable medical or psychiatric co-occurring conditions; or
- (b) Have issues that require daily management or monitoring but can be addressed on an outpatient basis.

6333.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the service requirements for this LOC.

6333.3 Level 2.5 Day Treatment includes the following mix of core services as indicated on the Plan of Care and in accordance with this chapter:

- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339;
- (b) SUD Counseling/Therapy in accordance with § 6342;
- (c) CCC in accordance with § 6340;
- (d) Drug Screening in accordance with § 6343; and
- (e) Crisis Intervention in accordance with § 6341; and
- (f) RSS in accordance with § 6344.

6334 LEVEL OF CARE 3.1: CLINICALLY MANAGED LOW-INTENSITY RESIDENTIAL

6334.1 Level 3.1 Clinically Managed Low-Intensity Residential providers shall have the capacity to provide a minimum of five (5) hours of a mixture of SUD treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria. Level 3.1 providers must be staffed with independently licensed clinicians who are competent to treat SUD and mental illness. A physician must be available on-site or by telephone 24 hours a day. Level 3.1 Clinically Managed Low-Intensity Residential is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 3.1 and:

- (a) Are employed, in school, in pre-vocational programs, actively seeking employment, or involved in a structured day program;
- (b) Recognize their SUD and are committed to recovery or are in the early stages of change and not yet ready to commit to full recovery but need a

stable supportive living environment to support their treatment or recovery;

- (c) May have a stable co-occurring physical or mental illness;
- (d) Who meet the ASAM criteria for Level 3.1, or its equivalent, as approved by the Department; and
- (e) Who are capable of self-care but are not ready to return to family or independent living.

6334.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this LOC.

6334.3 Level 3.1 Clinically Managed Low-Intensity Residential includes the following mix of core and specialty services, as indicated on the Plan of Care and in accordance with this chapter:

- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339;
- (b) SUD Counseling/Therapy in accordance with § 6342;
- (c) CCC in accordance with § 6340;
- (d) Drug Screening in accordance with § 6343;
- (e) Crisis Intervention in accordance with § 6341;
- (f) Medication Management in accordance with § 6345; and
- (g) RSS in accordance with § 6344.

6335 LEVEL OF CARE 3.3: CLINICALLY MANAGED POPULATION-SPECIFIC HIGH-INTENSITY RESIDENTIAL

6335.1 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential providers shall have the capacity to provide a minimum of twenty (20) hours of mixture of SUD treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria. Level 3.3 providers must be staffed with physicians, Physician Assistant or Advanced Practice Registered Nurse and qualified practitioners able to deliver the necessary mixture of SUD services. One or more clinicians must be available on-site or by telephone 24 hours a day. Level 3.3 Clinically Managed Population-Specific High-Intensity Residential is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 3.3 and:

- (a) Need a stable supportive living environment to support their treatment or recovery;

- (b) Have co-occurring or other issues that have led to temporary or permanent cognitive impairments and would benefit from slower-paced repetitive treatment; or
- (c) Have unstable medical or psychiatric co-occurring conditions.

6335.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this LOC.

6335.3 Level 3.3 Clinically Managed Population-Specific High-Intensity Residential includes the following mix of services, as indicated on the Plan of Care and in accordance with this chapter:

- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339;
- (b) SUD Counseling/Therapy in accordance with § 6342;
- (c) CCC in accordance with § 6340;
- (d) Drug Screening in accordance with § 6343;
- (e) Crisis Intervention in accordance with § 6341; and
- (f) Medication Management in accordance with § 6345; and
- (g) RSS in accordance with § 6344.

6336 LEVEL OF CARE 3.5: CLINICALLY MANAGED HIGH-INTENSITY RESIDENTIAL (ADULT)/ CLINICALLY MANAGED MEDIUM-INTENSITY RESIDENTIAL (YOUTH)

6336.1 Level 3.5 Clinically Managed High-Intensity Residential/Clinically Managed Medium-Intensity Residential providers shall have the capacity to provide a minimum of twenty-five (25) hours of a mixture of SUD treatment services per week, per client, in accordance with this section and medical necessity based on ASAM criteria. One or more clinicians must be available on-site or by telephone 24 hours a day. Level 3.5 is the appropriate LOC for individuals who are assessed as meeting the ASAM criteria for Level 3.5, need a 24-hour supportive treatment environment to initiate or continue their recovery process, and:

- (a) Have co-occurring or severe social/interpersonal impairments due to substance use; or
- (b) Significant interaction with the criminal justice system due to substance use.

6336.2 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this LOC.

6336.3 Level 3.5 includes the following mix of services, as indicated on the Plan of Care and in accordance with this chapter:

- (a) Diagnostic Assessment and Plan of Care in accordance with § 6339;
- (b) SUD Counseling/Therapy in accordance with § 6342;
- (c) CCC in accordance with § 6340;
- (d) Drug Screening in accordance with § 6343;
- (e) Crisis Intervention in accordance with § 6341; and
- (f) Medication Management in accordance with § 6345; and
- (g) RSS in accordance with § 6344.

6337 LEVEL OF CARE 3.7-WM: MEDICALLY MONITORED INPATIENT WITHDRAWAL MANAGEMENT (MMIWM)

6337.1 MMIWM is 24-hour, medically directed evaluation and withdrawal management service. The service is for clients with sufficiently severe signs and symptoms of withdrawal from psychoactive substances such that medical monitoring and nursing care are necessary but hospitalization is not indicated.

6337.2 MMIWM shall include the following services in accordance with ASAM criteria, as clinically appropriate:

- (a) Medication Management in accordance with § 6345;
- (b) CCC in accordance with § 6340;
- (c) Medication Assisted Treatment in accordance with § 6346;
- (d) Drug Screening in accordance with § 6343;
- (e) Crisis Intervention in accordance with § 6341;
- (f) RSS, in accordance with § 6344, which must be billed separately;
- (g) SUD Counseling/Therapy, in accordance with § 6342, which may be billed separately; and
- (h) Comprehensive Diagnostic Assessment, in accordance with § 6339, which may be billed separately.

6337.3 MMIWM providers shall have a physician on staff that is able to respond within one (1) hour of notification.

- 6337.4 MMIWM providers shall have medical staff (MD, PA, APRN, or RN) on duty twenty-four (24) hours per day, seven (7) days per week providing directed evaluation, care, and treatment in an inpatient setting. Medical staff shall have a client-to-staff ratio of 12-to-1 during daytime operating hours, a 17-to-1 ratio during evening hours, and a 25-to-1 ratio during the night shift.
- 6337.5 A withdrawal management service Level 3.7 provider shall offer 24-hour medically supervised evaluation and withdrawal management.
- 6337.6 MMIWM shall have psychiatric services available on-site, through consultation or referral as medically necessary according the client's needs for treatment and recovery.
- 6337.7 MMIWM shall have psychosocial and medical services delivered by appropriate staff in accordance with § 6337.4, who can administer withdrawal management services to a client by: (1) monitoring the decreasing amount of alcohol and toxic agents in the body; (2) managing the withdrawal symptoms; and (3) motivating the individual to participate in an appropriate treatment program for alcohol or other drug dependence.
- 6337.8 Qualified practitioners of MMIWM are:
- (a) Physicians;
 - (b) Psychologists;
 - (c) PAs;
 - (d) RNs;
 - (e) LICSWs;
 - (f) LISWs;
 - (g) LGSWs;
 - (h) APRNs;
 - (i) LPCs;
 - (j) LMFTs; or
 - (k) CACs I and II.

6338 LEVEL OF CARE-R: RECOVERY SUPPORT SERVICES

- 6338.1 RSS covers the provision of non-clinical services for individuals in treatment or in need of supportive services to maintain their recovery.

- 6338.2 RSS providers shall provide the following core RSS:
- (a) Recovery Support Evaluation; and
 - (b) RSS.
- 6338.3 RSS providers may provide the following specialty services, in accordance with their certification:
- (a) Environmental Stability.
- 6338.4 RSS are for individuals who have an identified need for RSS and:
- (a) Are actively participating in the Department treatment system;
 - (b) Have completed treatment; or
 - (c) Have a self-identified substance use issue that is not assessed as needing active treatment.
- 6338.5 If a client is assessed as needing treatment and is not currently enrolled in treatment, he or she must be referred to an SUD provider for treatment in addition to receiving RSS.
- 6338.6 The duration of Level-R RSS varies but lasts as long as needed, with a reassessment every one hundred and eighty (180) calendar days.
- 6338.7 RSS are determined by a Recovery Support Evaluation, performed in accordance with § 6349 of this chapter.
- 6338.8 Unless clinically inappropriate or a client does not consent, all providers shall adhere to the minimum service requirements for this LOC.
- 6338.9 Each recovery program must have a recovery program manager who is responsible for overseeing all services provided within the recovery program.
- 6338.10 Each recovery program must have a comprehensive curriculum for its RSS that has been approved by the Department.
- 6339 CORE SERVICE: DIAGNOSTIC ASSESSMENT AND PLAN OF CARE**
- 6339.1 Diagnostic Assessment and Plan of Care services include two distinct actions: (1) the assessment and diagnosis of the client, and (2) the development of the Plan of Care. A Diagnostic Assessment and Plan of Care Service may be (1) Comprehensive or (2) Ongoing.
- 6339.2 The Diagnostic Assessment portion of this service includes the evaluation and ongoing collection of relevant information about a client to determine or confirm an SUD diagnosis and the appropriate LOC. The assessment shall serve as the

basis for the formation of the Plan of Care, which establishes medical necessity and is designed to help the client achieve and sustain recovery. The assessment instrument shall incorporate ASAM criteria.

- 6339.3 A Diagnostic Assessment is required for a Plan of Care. This includes the development of or an update to a Plan of Care and necessary referrals.
- 6339.4 Providers shall use a tool(s) approved by the Department for both the Diagnostic Assessment and Plan of Care.
- 6339.5 Diagnostic Assessment and Plan of Care services shall be provided in certified SUD treatment programs or community settings.
- 6339.6 A Plan of Care identifies all services considered medically necessary by a qualified practitioner to address the needs of the client as determined by the assessment. All services shall be delivered in accordance with the Plan of Care as part of organized treatment services. The Plan of Care shall be person-centered per specifications by the Department and include:
- (a) SUD and any other diagnoses;
 - (b) Criteria for discharge from the program based on completion of the established course of treatment, and/or transfer to a less intensive/restrictive LOC;
 - (c) A list of any agencies currently providing services to the individual and family, including the type(s) of service and date(s) of initiation of those services;
 - (d) A broad, long-term goal statement(s) that captures the individual's and/or family's hopes and dreams for the future, ideally written in first-person language.
 - (e) A list or statement of individual and/or family strengths that support goal accomplishment. These include abilities, talents, accomplishments and resources.
 - (f) A list or statement of barriers that pose obstacles to the individual's and/or family's ability to accomplish the stated goal(s). These include symptoms, functional impairments, lack of resources, consequences of substance use and other challenges. The identification of barriers helps to substantiate the medical necessity for treatment interventions.
 - (g) Objective statements identifying the short-term individual and/or family changes in behavior, function, or status that overcome the identified barriers and are building blocks toward the eventual accomplishment of the long-term goal(s). Objective statements describe outcomes that are

measurable and include individualized target dates to be accomplished within the scope of the Plan of Care.

- (h) Intervention statements that describe the treatment services intended to reduce and/or eliminate the barriers identified in the plan and support objective and eventual goal accomplishment. Interventions are specific to each objective and the individual's and/or family's stage of change. Intervention statements identify who will deliver the service, what will be delivered, when it will be delivered and the purpose of the intervention. Natural support interventions should also be included in the Plan of Care and include those non-billable supports delivered by resources outside of the formal behavioral health service delivery system.
- (i) The name and title of personnel who will provide the services;
- (j) The name and title of the client's Clinical Care Coordinator and primary substance use counselor;
- (k) A description of the involvement of family members or significant others, where appropriate;
- (l) The identification of specific client responsibilities;
- (m) The client's identified ASAM LOC;
- (n) The client or legal guardian's signature on the plan (if the client refuses to sign the Plan of Care, the Clinical Care Coordinator shall document the reason(s) in the Plan of Care); and
- (o) Signatures of all interdisciplinary team members participating in the development of the Plan of Care. A Plan of Care is valid when electronically signed and dated by an independently licensed clinician working within the scope of their license.

6339.7 Qualified Practitioners of Comprehensive or Ongoing Diagnostic Assessments are:

- (a) Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGPCs (providers not operating under an HCA);
- (e) LGSWs;
- (f) LISWs;

- (g) LPCs;
- (h) LMFTs;
- (i) APRNs;
- (j) CAC II;
- (k) CAC I; or
- (l) RNs.

6339.8 An Initial Assessment/Diagnostic and Plan of Care service (“Initial Assessment”) is a behavioral health assessment that (1) identifies the individuals need for SUD treatment, (2) determines the appropriate LOC of SUD treatment, and (3) initiates the course of treatment. The following provisions apply to an Initial Assessment:

- (a) The provider shall use and complete an assessment tool approved by the Department and meets the ASAM biopsychosocial requirements. The assessment should result in identification of the necessary LOC and an appropriate provider referral, documented in the designated electronic record format.
- (b) The provider shall record any medications used by the client;
- (c) Staff must have an in-person encounter with the client to conduct the initial assessment;
- (d) Providers must obtain and document client's understanding and agreement, evidenced by the client’s signature, for consent to treatment, assessment, provider choice, the client bill of rights, and release of information; and
- (e) A treatment provider will complete an Initial Assessment and refer the client to the appropriate LOC or treat the client 1) if the client is found appropriate for the LOC available at that provider, and 2) the client chooses to receive services at that provider.

6339.9 A Comprehensive Diagnostic Assessment is a behavioral health assessment that (1) identifies the individuals need for SUD treatment, (2) determines the appropriate LOC of SUD treatment, and (3) initiates the course of treatment.

6339.10 Providers shall ensure appropriate medical staff (MD, PA, APRN, or RN) is available to assess clients for acute withdrawal symptoms and provide physical examinations. Providers shall use a Department-approved assessment tool to determine the need for withdrawal management. Providers shall have infrastructure to conduct health testing and screening as appropriate, and storage for testing kits. If the provider does not have the infrastructure or medical personnel on their staff the provider shall enter into an affiliation agreement or

contract with a medical provider for these services, or show the Department documentation that they are part of an integrated care setting that offers the services.

6339.11 The following provisions apply to the Comprehensive Diagnostic Assessment:

- (a) When a client enters his or her first LOC within a treatment episode, the provider shall perform a Comprehensive Diagnostic Assessment to determine their treatment and recovery needs. A Comprehensive Diagnostic Assessment consists of a biopsychosocial assessment and the development of a Plan of Care. ASAM biopsychosocial elements include, but are not limited to:
 - (1) History of the presenting episode;
 - (2) Family history;
 - (3) Developmental history;
 - (4) Alcohol, tobacco, other drug use, addictive behavior history
 - (5) Personal/social history;
 - (6) Legal history;
 - (7) Psychiatric history;
 - (8) Medical history;
 - (9) Spiritual history;
 - (10) Review of systems;
 - (11) Mental status examination;
 - (12) Physical examination;
 - (13) Formulation and diagnosis;
 - (14) Survey of assets, vulnerabilities, and supports;
 - (15) Treatment recommendations; and
 - (16) Health screenings/testing including:
 - (A) HIV
 - (B) Hepatitis

- (C) Tuberculosis (if referred for residential and detox); and
 - (D) Pregnancy (If applicable).
- (b) A Comprehensive Diagnostic Assessment shall include the use of a Department-approved assessment tool and a detailed diagnostic formulation. The comprehensive Diagnostic Assessment will document the client's strengths, resources, mental status, identified problems, current symptoms as outlined in the DSM, and RSS needs. The Comprehensive Diagnostic Assessment will also confirm the client's scores on the ASAM criteria and confirm that the assigned LOC is most applicable to the client's needs. The diagnostic formulation shall include presenting symptoms for the previous twelve (12) months, including mental and physical health symptoms, degree of severity, functional status, and differential diagnosis. This information forms the basis for the development of the individualized person-centered Plan of Care as defined in § 6339.
 - (c) A Comprehensive Diagnostic Assessment must be performed in-person by an interdisciplinary team consisting of the client and at least one Qualified Practitioner allowed to diagnose in accordance with their license.
 - (d) The approval of the Plan of Care is demonstrated by the electronic signature and date stamp of an independently licensed Qualified Practitioner. A completed Plan of Care is required to establish medical necessity.
 - (e) A Comprehensive Diagnostic Assessment and Plan of Care must be completed within seven (7) calendar days of admission to a provider. Providers at Level 3.7-MMIWM must complete a Comprehensive Diagnostic Assessment within forty-eight (48) hours, or prior to discharge or transfer to another LOC, whichever comes first.
 - (f) Within twenty-four (24) hours of admission at a new LOC, during the period prior to the completion of the Comprehensive Diagnostic Assessment, the provider shall review the client's prior Department-approved Diagnostic Assessment to assist with developing a Plan of Care.
 - (g) The Plan of Care (valid for seven (7) calendar days) will validate treatment until the Comprehensive Diagnostic Assessment is completed. A Qualified Practitioner as listed in § 6339 shall develop the Plan of Care. A Comprehensive Assessment and Plan of Care shall include client understanding and agreement, documented by the client's signature, for consent to treatment, assessment, provider choice, client bill of rights, and release of information.

6339.12 Ongoing Diagnostic Assessment and Plan of Care occurs at regularly scheduled intervals depending on the LOC. The following provisions apply to ongoing assessments:

- (a) An Ongoing Diagnostic Assessment and Plan of Care, conducted using a tool(s) approved by the Department, provides a review of the client's strengths, resources, mental status, identified problems, and current symptoms as outlined in the most recent DSM.
- (b) An Ongoing Diagnostic Assessment will confirm the appropriateness of the existing diagnosis and revise the diagnosis, as warranted. The Ongoing Diagnostic Assessment will also revise the client's scores on all dimensions of the ASAM criteria, as appropriate, to determine if a change in LOC is needed and make recommendations for changes to the Plan of Care.
- (c) An Ongoing Diagnostic Assessment includes a review and update of the Plan of Care with the client to reflect the client's progress, growth, and ongoing areas of need.
- (d) The Ongoing Diagnostic Assessment and Plan of Care is also used prior to a planned transfer to a different LOC and for discharge from a course of service.
- (e) The Ongoing Diagnostic Assessment can be used for a review and documentation of a client's physical and mental status for acute changes that require an immediate response, such as a determination of a need for immediate hospitalization.
- (f) The Clinical Care Coordinator shall determine the frequency of Ongoing Diagnostic Assessments and Plan of Care services.
- (g) An Ongoing Diagnostic Assessment and Plan of Care must be completed in-person with the client by an interdisciplinary team, which includes at least one Qualified Practitioner with the license and capability to develop a diagnosis. The client's Clinical Care Coordinator and primary counselor shall participate in the interdisciplinary team.
- (h) The Ongoing Diagnostic Assessment requires documentation of the assessment tools, updated diagnostic formulation, and the Plan of Care update. The diagnostic formulation shall include presenting symptoms since previous assessment (including mental and physical health symptoms), degree of severity, functional status, and differential diagnosis. The Plan of Care update shall address current progress toward goals for all problematic areas identified in the Diagnostic Assessment and adjust interventions and RSS as appropriate.

6340 CORE SERVICE: CLINICAL CARE COORDINATION

- 6340.1 The CCC service adopts a “whole-person” approach to address the consumer’s needs related to physical health, behavioral health, and social determinants of health. CCC involves coordination of care between the behavioral health clinician and the clinical personnel of an external provider (e.g., primary care, another behavioral health provider, hospital).
- 6340.2 CCC occurs when the practitioner via direct face-to-face contact, video-conferencing, or telephone communicates treatment needs, assessments, and treatment information to external health care providers and facilitates appropriate linkages with other health care professionals, including transitions into or from higher levels of care or institutional settings. CCC also includes treatment planning and plan of care implementation activities that are separate from the diagnostic assessment service, when the clinician and consumer are meeting face-to-face or via video-conference.
- 6340.3 The Clinical Care Coordinator is responsible for ensuring that the client is at the appropriate LOC. If the client fails to make progress or has met all of their treatment goals, it is the Clinical Care Coordinator’s responsibility to ensure timely assessment and transfer to a more appropriate LOC.
- 6340.4 The CCC service must be documented in an encounter note that indicates the intended purpose of that particular service, the actions taken, and the result(s) achieved.
- 6340.5 CCC shall be provided in certified SUD treatment programs or community settings.
- 6340.6 Qualified Practitioners of CCC are:
- (a) Physicians;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) LGSWs;
 - (e) APRNs;
 - (f) RNs;
 - (g) LISWs;
 - (h) LPCs;
 - (i) LMFTs; and

- (j) LGPCs (providers not operating under an HCA).

6341 CORE SERVICE: CRISIS INTERVENTION

- 6341.1 Crisis Intervention is an immediate short-term treatment intervention, which assists a client to resolve an acute personal crisis that significantly jeopardizes the client's treatment, recovery progress, health, or safety. Crisis Intervention does not necessarily lead to a change in LOC or a change to the Plan of Care; however, if a change is needed, this service may be followed by an Ongoing Diagnostic Assessment.
- 6341.2 Crisis Intervention is a service available at all levels of care and can be provided to any individual in treatment, even if the service is not included on the Plan of Care.
- 6341.3 Crisis Intervention services must be documented using an encounter note that explains the crisis and the response.
- 6341.4 Crisis Intervention services shall be provided in certified SUD treatment programs or community settings.
- 6341.5 Qualified Practitioners of Crisis Intervention are:
- (a) Physicians;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) LGSWs;
 - (e) APRNs;
 - (f) RNs;
 - (g) LISWs;
 - (h) LPCs;
 - (i) LGPCs (providers not operating under an HCA);
 - (j) LMFTs; and
 - (k) CAC Is and CAC IIs.

**6342 CORE SERVICE: SUBSTANCE USE DISORDER
COUNSELING/THERAPY**

6342.1 SUD Counseling/Therapy includes Individual, Family, and Group, and enhanced with Group-Psychoeducation Counseling.

6342.2 SUD Counseling/Therapy shall be provided in certified SUD treatment programs or community settings.

6342.3 Individual SUD Counseling/Therapy is a face-to-face service for symptom and behavior management, development, restoration, or enhancement of adaptive behaviors and skills, and enhancement or maintenance of daily living skills to facilitate long-term recovery.

6342.4 Individual SUD Counseling/Therapy addresses the specific issues identified in the Plan of Care. Individual counseling/therapy:

- (a) Shall be documented in an encounter note; and
- (b) Shall not be conducted within the same or overlapping time period as Medication Management.

6342.5 Qualified Practitioners of Individual SUD Counseling/Therapy are:

- (a) Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LGPCs (providers not operating under an HCA);
- (j) LMFTs; or
- (k) CAC Is and CAC IIs.

6342.6 Group Counseling/Therapy includes Cognitive Behavioral Groups, Support Groups, and Interpersonal Process Groups. Cognitive Behavioral Groups have a trained facilitator utilizing a specific therapeutic model to alter thoughts and

actions that lead to substance use. Support Groups uplift members and provide a forum to share pragmatic information about managing day to day life. Interpersonal Process Groups delve into major developmental issues that contribute to SUD or interfere with recovery.

6342.7 The following provisions apply to Group SUD Counseling:

- (a) Group SUD Counseling/Therapy addresses the specific issues identified in the Plan of Care;
- (b) The focus of the group SUD Counseling/Therapy session shall be driven by the participants;
- (c) The number of individuals in a group SUD Counseling/Therapy session cannot be greater than the number referenced in 42 USC 1396d(i) which under current law is 42 USC 1905; and
- (d) Group SUD Counseling/Therapy shall not be billed during recreational activities.

6342.8 Qualified Practitioners of Group SUD/Counseling/Therapy are:

- (a) Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LGPCs (providers not operating under an HCA);
- (j) LMFTs; or
- (k) CACs I or II.

6342.9 Group SUD Counseling-Psychoeducation promotes help-seeking and supportive behaviors by working in partnership with clients to impart current information and facilitate group discussion through lecture, audio-visual presentations, handouts, etc. to assist with developing coping skills that support recovery and encourage problem-solving strategies for managing issues posed by SUDs. This

service should also address HIV, STDs, and other infectious diseases; clients are not required to have one of these diseases to receive this education.

6342.10 Psychoeducational groups are designed to educate clients about substance use and related behaviors and consequences. This type of group presents structured, group specific content, taught by a trained facilitator often using video, audio or lecture. An experienced group leader will facilitate discussions of the material presented. Psychoeducational groups provide information designed to have a direct application to clients' lives to include but are not limited to developing self-awareness, suggesting options for growth and change, identifying community resources that can assist clients in recovery, developing an understanding of the process of recovery, and encouraging clients to take action on their own behalf toward recovery.

6342.11 Group Counseling-Psychoeducation requires the following:

- (a) The subject of the counseling must be relevant to the client's needs as identified in his or her Plan of Care;
- (b) This service must include facilitated group discussion of the relevant topic or topics;
- (c) An encounter note for each participant shall be completed, which includes the individual's response to the group; and
- (d) A maximum of thirty (30) clients may participate in a single session.

6342.12 Qualified Practitioners of Group Counseling Psychoeducation are:

- (a) Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LGPCs (providers not operating under an HCA);
- (j) LMFTs; and

(k) CAC Is and IIs.

6342.13 Family Counseling/Therapy is a planned, goal-oriented therapeutic interaction between a Qualified Practitioner and the client's family, with or without the client present. The aim of Family Counseling/Therapy is to improve the individual's functioning with his or her family and cultivate the awareness, skills, and supports to facilitate long term recovery. Family Counseling/Therapy must address specific issues identified in the Plan of Care. The following provisions apply to Family Counseling/Therapy:

- (a) Family Counseling/Therapy shall be documented using an encounter note; if the client is not present for the service, the note must explain how the session benefits the client;
- (b) A service encounter note documenting Family Counseling/Therapy shall clearly state the relationship of the participant(s) to the client; and
- (c) Family Counseling/Therapy participants other than the client must meet the definition of "family member" in § 6351.

6342.14 Qualified Practitioners of Family Counseling/Therapy are:

- (a) Physicians;
- (b) Psychologists;
- (c) LICSWs;
- (d) LGSWs;
- (e) APRNs;
- (f) RNs;
- (g) LISWs;
- (h) LPCs;
- (i) LGPCs (providers not operating under an HCA);
- (j) LMFTs; or
- (k) CAC Is and IIs.

6343 CORE SERVICE: DRUG SCREENING

6343.1 Drug Screening consists of toxicology sample collection and breathalyzer and urine testing to determine and detect the use of alcohol and other drugs.

- 6343.2 Providers must have their own drug screening policy.
- 6343.3 Toxicology sample collection involves the collection of biological specimens for drug analysis. The following provisions apply to toxicology sample collection:
- (a) The handling of biological specimens requires a chain of custody in accordance with District guidelines from the point of collection throughout the analysis process to ensure the integrity of the specimen;
 - (b) Toxicology sample collection shall be conducted to verify abstinence or use of substances to inform treatment;
 - (c) Toxicology sample collection shall include an in-person encounter with the client;
 - (d) Documentation of the toxicology sample collection service requires an encounter note, laboratory request, and recorded laboratory results from an approved laboratory;
 - (e) Chain of custody for the toxicology specimen must be observed and documented in accordance with District guidelines; and
 - (f) Individuals collecting the samples must be properly trained to do so.

6343.4 Breathalyzer testing is the collection and documentation of valid breath specimens for alcohol analysis in accordance with Department standards. A Breathalyzer is conducted to test for blood alcohol content to inform treatment for an individual. The following provisions apply to Breathalyzer services:

- (a) Breathalyzer testing requires an in-person collection of the sample;
- (b) Breathalyzer testing must be documented with an encounter note and recorded results;
- (c) The chain of custody must be kept in accordance with District guidelines; and
- (d) Individuals collecting the samples must be properly trained.

6344 CORE SERVICE: RECOVERY SUPPORT

6344.1 RSS are strength-based supports for those with addictions and those in recovery from substance use disorders. These services are provided to assist clients with implementation of their recovery plan through direct contact interventions provided to an individual or a group of individuals.

6344.2 Recovery support service activities facilitate implementation of the Plan of Care and administrative facilitation of the client's service needs, including but not

limited to scheduling of appointments, facilitating transportation, tracking appointments, and collecting information about the client's progress. RSS also includes goal setting, making referrals and assisting with linkages, assisting with the completion of benefits, housing or financial forms, goal monitoring, assisting clients with strategy development and coping skills, providing individual with encouragement and emotional support, providing education around social skill development and drug free social activities, life skills, relapse prevention, employment preparation, money management, health and wellness, and family reunification.

- 6344.3 In addition to the activities listed in § 6344.2, RSS-HIV entails providing access to testing and referrals for HIV and infectious diseases and linkage of services with medical care or specialty services related to an infectious disease. An individual does not need to be diagnosed with an infectious disease to receive this service.
- 6344.4 Additional key service functions of RSS include:
- (a) Attending interdisciplinary team meetings for Diagnostic Assessment services;
 - (b) Following up on service delivery by providers external to the treatment program and ensuring communication and coordination of services;
 - (c) Contacting clients who have unexcused absences from program appointments or from other critical off-site service appointments to re-engage them and promote recovery efforts;
 - (d) Locating and coordinating services and resources to resolve a client's crisis;
 - (e) Providing training in the development of life skills necessary to achieve and maintain recovery; and
 - (f) Participating in discharge planning.
- 6344.5 Each RSS must be documented using an encounter note that is sufficient to justify the time and service provided.
- 6344.6 RSS shall be provided in certified SUD treatment programs or community settings.
- 6344.7 The duration of RSS varies but lasts as long as needed, with a reassessment every one hundred and eighty (180) days according to the client's recovery goals.
- 6344.8 The need for RSS is determined by the completion of a Diagnostic Assessment service or a Recovery Support Evaluation and shall be authorized in the individual's Plan of Care.

- 6344.9 Each RSS program must have a program manager who is responsible for overseeing all services provided within the program.
- 6344.10 Each RSS program shall have a comprehensive curriculum that has been approved by the Department.
- 6344.11 Qualified Practitioners of RSS are:
- (a) Certified Recovery Coach;
 - (b) Certified Peer Specialist;
 - (c) An individual with at least a GED or high school diploma, two (2) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationship, and the ability to negotiate complex service systems to obtain needed services and resources for individuals; or
 - (d) Any practitioner qualified to provide SUD Counseling/Therapy pursuant to § 6342.

6345 SPECIALTY SERVICE: MEDICATION MANAGEMENT

- 6345.1 Medication Management shall include the coordination and evaluation of medications consumed by clients, monitoring potential side effects, drug interactions, compliance with doses, and efficacy of medications.
- 6345.2 Medication Management also includes the evaluation of a client's need for Medication Assisted Treatment ("MAT"), the provision of prescriptions, and ongoing medical monitoring/evaluation related to the use of psychoactive drugs.
- 6345.3 Medication Management is used to inform treatment and to assist with withdrawal management, as clinically appropriate.
- 6345.4 All providers certified as MMIWM or at any of the Level 3 certifications shall also be certified to provide Medication Management.
- 6345.5 Medication Management requires in-person interaction with the client and may not be conducted at the same or overlapping times as any other service.
- 6345.6 The Qualified Practitioner performing the Medication Management service or the Clinical Care Coordinator, if not the same individual, must coordinate with the client's primary care practitioner unless the client's record documents that the client refused to provide consent for the coordination.
- 6345.7 Documentation of Medication Management shall include an encounter note and appropriately completed medication fields in the record, if applicable.

6345.8 Medication Management shall be provided in certified SUD treatment programs or community settings.

6345.9 Qualified Practitioners of Medication Management are:

- (a) Physicians;
- (b) APRN;
- (c) RNs;
- (d) LPNs; or
- (e) PAs.

6346 SPECIALTY SERVICE: MEDICATION ASSISTED TREATMENT

6346.1 MAT is the combination of FDA approved medication with behavioral therapies to treat SUD. A client who receives medication to treat SUD must also receive SUD Counseling/Therapy. Use of this service should be in accordance with ASAM criteria and practice guidelines issued by the Department.

6346.2 Individuals appropriate for MAT must have an SUD that could be appropriately treated in accordance with Federal regulations.

6346.3 OTPs must ensure that individuals receiving MAT understand and provide written informed consent to the specific medication administered. No client under age eighteen (18) may be admitted to an OTP unless a parent or legal guardian consents in writing to such treatment.

6346.4 MAT may be administered on an in-office basis or as take-home regimen. Both MAT administrations include the unit of medication and therapeutic guidance. For clients receiving a take-home regimen, therapeutic guidance must include additional guidance related to storage and self-administration. OTPs must comply with all Federal and District laws and regulations concerning MAT.

6346.5 Therapeutic guidance provided during MAT shall include:

- (a) Safeguarding medications;
- (b) Possible side-effects and interaction with other medications;
- (c) Impact of missing doses;
- (d) Monitoring for withdrawal symptoms and other adverse reactions; and
- (e) Appearance of medication and method of ingestion.

- 6346.6 The provision of MAT must be accompanied by a clinically appropriate array of SUD treatment services in accordance with § 6330 that include SUD Counseling/Therapy.
- 6346.7 A physician must evaluate the client a minimum of once per month for the first year that a client receives MAT and a minimum of every six (6) months thereafter, in coordination with the Plan of Care and as needed.
- 6346.8 Documentation for this service must include medication log updates and an encounter note for each visit, which captures the therapeutic guidance provided.
- 6346.9 Qualified Practitioners of MAT are:
- (a) Physicians;
 - (b) APRNs;
 - (c) PAs;
 - (d) RNs; or
 - (e) LPNs.

6347 SPECIALTY SERVICE: ADOLESCENT — COMMUNITY REINFORCEMENT APPROACH

- 6347.1 Adolescent – Community Reinforcement Approach (“ACRA”) is a specialty service that is provided in conjunction with Level 1 or Level 2.1 Outpatient treatment as a more targeted approach to treatment for youth and young adults ages twelve (12) to twenty-four (24) years old with co-occurring mental health and SUD. ACRA services include approximately ten (10) individual sessions with the adolescent, two (2) individualized sessions with the caregiver and two (2) sessions with the adolescent and caregiver together in accordance with the procedures outlined in the ACRA evidence-based practice certification model.
- 6347.2 The provider must have the following ACRA-certified staff for each ACRA team:
- (a) A clinical supervisor, with ACRA clinical supervisor certification, who is also a Master’s-level qualified practitioner; and
 - (b) One (1) to four (4) clinicians with ACRA clinician certification who are either Master’s-level qualified practitioners or Bachelor’s-level qualified practitioners with at least five (5) years’ experience working with behaviorally-challenged youth.
- 6347.3 ACRA practitioners must comply with the supervision, taping, feedback and coaching requirements of the ACRA certification.

- 6347.4 A minimum of four units of ACRA services should be provided once per week. Level 1 or 2.1 services shall be provided as clinically appropriate.
- 6347.5 ACRA generally lasts up to six (6) months with the first three (3) months of services provided in the office setting and the last three (3) months of service provided in the home or community setting, based on the client's needs and progress.
- 6347.6 Qualified Practitioners of ACRA are:
- (a) Physicians;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) LGSWs;
 - (e) APRNs;
 - (f) RNs;
 - (g) LISWs;
 - (h) LPCs;
 - (i) LGPCs (providers not operating under an HCA);
 - (j) LMFTs; or
 - (k) CAC Is and IIs.

6348 SPECIALTY SERVICE: TRAUMA RECOVERY AND EMPOWERMENT MODEL

- 6348.1 Trauma Recovery and Empowerment Model ("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.
- 6348.2 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. The 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.

6348.3 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 under eighteen (18) years of age; or
- (e) TREM for individuals who are lesbian, gay, bisexual, transgender, or questioning (groups for either individuals under eighteen (18) or individuals eighteen (18) years of age and over).

6348.4 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 a qualified practitioner licensed to practice independently. 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 working as facilitators must have completed Department-approved, population-specific TREM training.

6348.5 Qualified Practitioners of TREM are:

- (a) Psychiatrists;
- (b) Psychologists;
- (c) LICSWs;
- (d) APRNs;
- (e) LMFTs;
- (f) LPCs;
- (g) LISWs;
- (h) LGSWs;

- (i) LGPCs; and
- (j) Psychology Associates.

6348.6 Certified Recovery Coaches, Certified Peer Specialists, and CACs 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 group facilitators.

6348.7 TREM shall be provided at the SUD treatment provider's site or in a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.

6349 RECOVERY SUPPORT – EVALUATION, ALCOHOL OR DRUG ASSESSMENT

6349.1 A Recovery Support Evaluation is a process used to evaluate and document a client's individual recovery support service needs, develop a comprehensive individual Recovery Support Plan, and monitor client progress on achievement of goals and objectives every one hundred and eighty (180) days.

6349.2 The purpose of the Recovery Support Evaluation is to identify domains that require support, using a Department-approved recovery support assessment tool, and to develop a Recovery Support Plan.

6349.3 Recovery Support Evaluation requires an in-person encounter with the client and must be performed by staff trained to use the recovery support assessment tool.

6349.4 Required elements of a Recovery Support Evaluation include the completion of a Department-approved recovery support assessment tool and Recovery Support Plan.

6349.5 Providers must document completion and client signatures for: consents, completion of the recovery support assessment tool and Recovery Support Plan, client bill of rights, and release of information.

6349.6 A Recovery Support Evaluation shall take at least forty (40) minutes to complete.

6349.7 A maximum of two (2) occurrences of Recovery Support Evaluation are allowed every six (6) months. Additional Recovery Support Evaluations require approval from the Department.

6349.8 The Clinical Care Coordinator is responsible for ensuring coordination if an individual is receiving treatment and recovery services from different providers. An individual receiving treatment and recovery services from different providers may receive Initial, Comprehensive, or Ongoing Assessment and a separate Recovery Support Evaluation as clinically indicated.

- 6349.9 An individual receiving treatment and recovery services from the same provider shall not require a separate Recovery Support Evaluation or Recovery Support Plan.
- 6349.10 A Recovery Support Evaluation shall be provided in certified SUD treatment programs or community settings.
- 6349.11 Qualified Practitioners of Recovery Support Evaluation are:
- (a) A Certified Recovery Coach;
 - (b) A Certified Peer Specialist;
 - (c) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field and training or relevant experience in substance use; or
 - (d) An individual with at least four (4) years of relevant, qualifying full-time-equivalent experience in human service delivery who demonstrates skills in developing positive and productive community relationships and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

6350 ENVIRONMENTAL STABILITY, SUPPORTED HOUSING

- 6350.1 The Environmental Stability service provides a structured and stable living environment and recovery support system that includes recovery housing for up to six (6) months. The objective of Environmental Stability is to prepare the client for independent living upon completion of the Environmental Stability Service.
- 6350.2 Eligible clients for this service must:
- (a) Be drug- and alcohol-free (with the exception of prescribed medication) for thirty (30) days prior to admission;
 - (b) Maintain sobriety throughout the program;
 - (c) Be age 18 or older and in recovery from a diagnosed SUD;
 - (d) Be employed or participating in a structured training class or workforce-development program or a combination of both training and employment as deemed clinically appropriate;
 - (e) Deposit thirty percent (30%) of net income into the client's escrow account for the purposes of post-environmental-stability independent living;
 - (f) Be enrolled and active in other certified RSS; and

(g) Be prior authorized by the Department.

- 6350.3 The Environmental Stability provider shall comply with the Department's drug testing policy.
- 6350.4 Each Environmental Stability facility shall be for a single parent with a child or children.
- 6350.5 Environmental Stability providers must comply with the applicable of provisions of § 6325 of this chapter governing residential recovery programs.
- 6350.6 No Environmental Stability program shall use a name on the exterior of the building or display any logo that distinguishes the facility from any other residence in the neighborhood.

6399 DEFINITIONS

6399.1

Admission – Entry into the SUD treatment or recovery support services program after completion of Initial Diagnostic Assessment and a determination that an individual is eligible for the program.

Advanced Practice Registered Nurse (“APRN”) – A person licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)), and who has demonstrated proficiency in SUD treatment, as evidenced by specialized training or a minimum of 5 years of experience in SUD care delivery.

Affiliation Agreement – A legal agreement between a provider and another entity that describes how they will work together to benefit clients.

Aftercare Plan – A plan developed with a client and their treatment team to identify goals and action steps the client can use to move forward with their recovery once they leave treatment services.

Applicant – A program that has applied to the Department for certification as an SUD treatment or recovery program.

Assessment – A process that gathers information and engages with the client that enables the provider to determine the presence or absence of a co-occurring disorder. Determines the client's readiness for change, identifies client strengths or problem areas that may affect the processes of treatment

and recovery, and engages the client in the development of an appropriate treatment relationship.

Certification – The process of establishing that the standards described in this chapter are met; or approval from the Department indicating that an applicant has successfully complied with all requirements for the operation of a substance use disorder treatment or recovery program in the District.

Certified Addiction Counselor (“CAC”) – A person certified to provide SUD counseling services in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)). A CAC may be certified as a CAC I or CAC II and who is supervised in accordance with Title 17 DCMR § 8715.

Certified Peer Specialist – An individual who has completed the Peer Specialists Certification Program requirements and is approved to deliver Peer Support Services within the District’s public behavioral health network.

Certified Recovery Coach – A Certified Recovery Coach is an individual with any DBH-approved recovery coach certification.

Child Development Facility – A center, home, or other structure that provides care and other services, supervision, and guidance for children up to fifteen (15) years of age on a regular basis, regardless of its designated name, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

Client – A person admitted to an SUD treatment or recovery program and is assessed to need SUD treatment services or recovery support services.

Clinical Care Coordination – Coordination of care between the behavioral health clinician and the clinical personnel of an external provider (e.g. primary care, another behavioral health provider, or hospital).

Clinical Care Coordinator – A licensed or certified Qualified Practitioner who has the overall responsibility for the development and implementation of the client’s Plan of Care, is responsible for identification, coordination, and monitoring of non-SUD-treatment clinical services, and is identified in the client’s Plan of Care.

Clinical Staff – Staff who are licensed, certified, or registered by the District Department of Health, Health Regulation and Licensing Administration.

Communicable Disease – Any disease as defined in Title 22-B, § 201 of the District of Columbia Municipal Regulations.

Continuity of Care Plan – A plan that provides for the ongoing care of clients in the event that a certified provider is no longer able to provide adequate care.

Co-Occurring Disorders – The presence of concurrent diagnoses of substance use disorder and a mental illness.

Core Service – All of the following services that shall be provided by all treatment providers under this chapter: Diagnostic Assessment and Plan of Care, Clinical Care Coordination, Crisis Intervention, SUD Counseling/Therapy, Drug Screening, and RSS.

Crisis – An event that significantly jeopardizes the client’s treatment, recovery progress, health, or safety.

Department – The District of Columbia Department of Behavioral Health.

Director – The Director of the District of Columbia Department of Behavioral Health.

Discharge – The time when a client’s active involvement with a provider is terminated.

Discharge Planning – Activities with or on behalf of an individual to arrange for appropriate follow-up care to sustain recovery after being discharged from a program, including educating the individual on how to access or reinstate additional services, as needed.

District – The District of Columbia.

Drug – Substances that have the likelihood or potential to be misused or abused, including alcohol, prescription drugs, and nicotine.

Facility – Any physical premises which houses one or more SUD treatment or recovery programs.

Family Counseling/Therapy – A planned, goal-oriented therapeutic interaction between a Qualified Practitioner and the client’s family, with or without the client present.

Family Member – Individual identified by the client as a person with whom the client has a significant relationship and whose participation is important to the client’s recovery.

Group SUD Counseling/Therapy – A therapeutic service that facilitates disclosure of issues that permit generalization to a larger group; promotes help-seeking and supportive behaviors; encourages productive and

positive interpersonal communication; and develops motivation through peer support, structured confrontation, and constructive feedback.

Human Care Agreement (“HCA”) – A written agreement entered into by the provider and the Department which establishes a contractual relationship between the parties.

Individual Substance Use Disorder Counseling/Therapy – A face-to-face service with an authorized Qualified Practitioner for symptom and behavior management, development, restoration, or enhancement of adaptive behaviors and skills, and enhancement or maintenance of daily living skills to facilitate long-term recovery.

In-service Training – Activities undertaken to achieve or improve employees’ competency to perform present jobs or to prepare for other jobs or promotions.

Interdisciplinary Team – Members of the provider staff who provide services to the client, including the client, the client’s CCC, a CAC, and at least one QP with the license and ability to diagnose.

Licensed Graduate Professional Counselor (“LGPC”) – A person licensed as a graduate professional counselor in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)) applicable District laws and regulations. An LGPC is a Qualified Practitioner only for providers not providing services pursuant to a Human Care Agreement with the Department and must be appropriately supervised.

Licensed Graduate Social Worker (“LGSW”) – A person licensed as a graduate social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Independent Clinical Social Worker (“LICSW”) – A person licensed as an independent clinical social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Independent Social Worker (“LISW”) – A person licensed as a licensed independent social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Marriage and Family Therapist (“LMFT”) – A person licensed as a marriage and family therapist in accordance with Health Occupations

Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Practical Nurse (“LPN”) – A person licensed as practical nurse in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Licensed Professional Counselor (“LPC”) – A professional counselor licensed in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Major Unusual Incidents – Adverse events that can compromise the health, safety, and welfare of persons; employee misconduct; fraud; and actions that are violations of law and policy.

Medicaid – The medical assistance program, as approved by the Federal Centers for Medicare and Medicaid Services (“CMS”) and administered by the Department of Health Care (“DHCF”), that enables the District to receive Federal financial assistance for its medical assistance program and other purposes as permitted by law.

Medical Necessity (or Medically Necessary) – Health care services or products that a prudent provider would provide to a client for the purpose of preventing, diagnosing, or treating an illness, injury, disease, or its symptoms in a manner that is: (a) in accordance with generally accepted standards of health care practice; (b) clinically appropriate in terms of type, frequency, extent, site, and duration; and (c) not primarily for the economic benefit of the health plans and purchasers or for the convenience of the client or treating provider.

Medical Waste – Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or in the testing of biologicals, including but not limited to: soiled or blood-soaked bandages, needles used to give shots or draw blood, and lancets.

Mental Illness – A diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the most recent Diagnostic and Statistical Manual (DSM) or its most recent International Classification of Diseases equivalent.

Notice of Infraction – An action taken by agencies to enforce alleged violations of regulatory provisions.

Opioid – A psychoactive substance in the narcotic class derived from opium, including natural and synthetic compounds. Substances in this class may produce pharmacological effects such as physical withdrawal symptoms.

Organizational onboarding – Mechanism through which new employees acquire the necessary knowledge, skills, and behaviors to become effective performers. It begins with recruitment and includes a series of events, one of which is employee orientation, which helps new employees understand performance expectations and contribute to the success of the organization.

Organized Treatment Services – Treatment that consists of a scheduled series of structured, face-to-face or group therapeutic sessions organized at various levels of intensity and frequency in order to assist the clients served in achieving the goals identified in the person-centered plans of care. Also may be called structured treatment services.

Outcomes of Care – The results of a course of treatment, including abstinence or reduction of abuse of substances, elimination or reduction of criminal activity, reduction of antisocial activity associated with SUD, reduction of need for health care services, reduction of need for SUD treatment, increase in pro-social involvement, and increase in productivity and employment.

Outpatient Services – Therapeutic services that are medically necessary, provided to a client according to an individualized Plan of Care, and do not require the client's admission to a hospital or a non-hospital residential facility. The term "outpatient services" refers to services that may be provided: on an ambulatory basis in a hospital; on an outpatient basis in a non-hospital residential facility; an outpatient treatment facility; or the office of a provider licensed to provide SUD treatment services.

Outreach – Efforts to inform and facilitate access to a program's services.

Parent – A person who has custody of a child as a natural parent, stepparent, adopted parent, or has been appointed as a guardian for the child by a court of competent jurisdiction.

Plan of Care – The individualized Plan of Care that is the result of the Diagnostic Assessment. All services must be guided by a valid Plan of Care. The Plan of Care includes the client's treatment goals, strengths, challenges, objectives, and interventions. The Plan of Care is based on the client's identified needs as reflected by the Diagnostic Assessment, the client's expressed needs, and referral information.

Pharmacist – A person licensed or authorized to practice pharmacy pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C.

Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Physician – A person licensed or authorized to practice medicine pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Physician Assistant (“PA”) – A person licensed as a Physician Assistant pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Privacy Officer – A person designated by an organization that routinely handles protected health information, to develop, implement, and oversee the organization’s compliance with the U.S. Health Insurance Portability and Accountability Act (HIPAA) privacy rules, 42 CFR Part 2, and the District’s Mental Health Information Act.

Program – An SUD Treatment or Recovery Support Services Program certified by the Department at a specific LOC to provide SUD treatment or recovery support services.

Program Director – An individual having authority and responsibility for the day-to-day operation of an SUD treatment or recovery program.

Protected Health Information (“PHI”) – Any written, recorded, electronic (ePHI), or oral information which either (1) identifies, or could be used to identify, a client; or (2) relates to the physical or mental health or condition of a client, provision of health care to a client, or payment for health care provided to a client. PHI does not include information in the records listed in 45 CFR § 160.103.

Provider – An entity certified by the Department to provide either SUD treatment or recovery support services or both. A single provider may operate multiple programs.

Psychiatrist – A physician who has completed all training in a program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, approved by the American Board of Psychiatry and Neurology, Inc., or is board certified in psychiatry.

Psychologist – A person licensed to practice psychology in accordance with applicable District laws and regulations.

Psychology Associate – A person registered as a Psychology Associate in accordance with Health Occupations Revision Act of 1985, effective

March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Qualified Practitioner – Staff authorized to provide treatment and other services based on the definition of the service.

Recovery Support Plan – A document developed during a Recovery Support Evaluation that outlines the client’s needs, goals, and recovery support services to be utilized to achieve those goals. The Recovery Support plan assists a client in recovery to develop goals and objectives to maintain their sobriety in the community with supports from family, community and recovery support programs.

Recovery Support Services (“RSS”) – Non-clinical services provided to a client by a certified RSS provider to assist the client in achieving or sustaining recovery from an SUD.

Registered Nurse (“RN”) – A person licensed as a registered nurse in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2018 Supp.)).

Representative Payee – An individual or organization appointed by the Social Security Administration to receive Social Security or Supplemental Security Income (“SSI”) benefits for someone who cannot manage or direct someone else to manage his or her money.

Research – Experiments including new interventions of unknown efficacy applied to clients whether behavioral, psychological, biomedical, or pharmacological.

Residential Program – Any SUD treatment or recovery support services program which houses clients overnight, including Level 3 treatment programs and environmental stability programs.

Screening – A determination of the likelihood that a client has co-occurring substance use and mental disorders or that their presenting signs, symptoms, or behaviors may be influenced by co-occurring issues. The purpose is not to establish the presence or specific type of such a disorder, but to establish the need for an in-depth assessment. Screening is a formal process that typically is brief and occurs soon after the client presents for services.

Specialty Service – Any of the following services that may be provided by SUD providers under this chapter and that require additional certification, specifically, Medication Management, ACRA, MAT, TREM, and Environmental Stability.

Statement of Deficiencies (“SOD”) – A written statement of non-compliance issued by the Department, which describes the areas in which an applicant for certification or the certified provider fails to comply with the certification standards pursuant to this chapter.

Substance Use Disorder (“SUD”) – A chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the client continues using a substance despite significant substance-related problems. A diagnosis of SUD requires a client to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the most recent version of the DSM.

SUD Services – All of the services described in this chapter, including treatment services, specialty services and Recovery Support Services.

Treatment – A therapeutic effort to improve a client’s cognitive or emotional conditions or the behavior of a client, consistent with generally recognized principles or standards in the SUD treatment field, provided or supervised by a Qualified Practitioner.

Trained medication employee (“TME”) – An individual employed to work in a program who has successfully completed a training program approved by the District Board of Nursing and is certified to administer medication to program participants.

Withdrawal Management – A program designed to achieve systematic reduction in the degree of physical dependence on alcohol or drugs.

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, or DBHpubliccomments@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-025
February 21, 2020

SUBJECT: Appointment – Commission on African-American Affairs

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 Commission on African-American Affairs Establishment Act of 2012, effective March 14, 2012, D.C. Law 19-106, D.C. Official Code § 3-1442 (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. **SALIM ADOFO**, pursuant to the Commission on African-American Affairs Salim Adofo Confirmation Resolution of 2019, effective February 10, 2020, PR23-0595, is appointed as a public member of the Commission on African-American Affairs, replacing Rachelle Johnson, to serve a term to end July 8, 2022.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 10, 2020.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-026
February 21, 2020

SUBJECT: Appointment — Maternal Mortality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4 of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018, D.C. Law 22-111, D.C. Official Code § 7-671.03 (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. **NANCY GABA**, pursuant to the Maternal Mortality Review Committee Nancy Gaba Confirmation Resolution of 2019, effective February 10, 2020, PR23-0596, is appointed as a person with experience in obstetrics and gynecology from The George Washington University Medical Faculty Associates member, for a term to end January 2, 2023.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 10, 2020.



MURIEL BOWSER
MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-027
February 21, 2020

SUBJECT: Appointments — Advisory Committee on Street Harassment

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 1043 of the Street Harassment Prevention Act of 2018, D.C. Law 22-168, D.C. Official Code § 7-2422 (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. **NOOR MIR**, pursuant to the Advisory Committee on Street Harassment Noor Mir Confirmation Resolution of 2019 effective February 10, 2020, PR23-0604, is appointed as a District resident engaged in advocacy within the District related to street harassment member of the Advisory Committee on Street Harassment, filling a vacant seat, for a term to end October 20, 2020.
2. **ESTHER FORD**, pursuant to the Advisory Committee on Street Harassment Esther Ford Confirmation Resolution of 2019 effective February 10, 2020, PR23-0605, is appointed as a District resident engaged in direct service within the District related to poverty or homelessness member of the Advisory Committee on Street Harassment, filling a vacant seat, for a term to end October 20, 2020.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the dates of confirmation.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-028
February 21, 2020

SUBJECT: Appointment — Science Advisory 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.), pursuant to section 12 of the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011, D.C. Law 19-18, D.C. Official Code § 5-1501.11 (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. **LAKEISHA MCCLARY**, pursuant to the Science Advisory Board LaKeisha McClary Confirmation Resolution of 2019, effective February 10, 2020, PR23-0609, is appointed to the Science Advisory Board as a scientist with experience in scientific research and methodology, who has been published in peer-reviewed scientific journals, and who is not currently employed by the Department or by a law enforcement laboratory or agency member, replacing Dr. Namandje Bumpus, for a term to end April 18, 2022.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 10, 2020.



MURIEL BOWSER
MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-029
February 21, 2020

SUBJECT: Reappointments and Appointments— Commission on Persons with Disabilities

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 Mayor's Order 2009-165, dated September 25, 2009, it is hereby **ORDERED** that:

1. The following persons are reappointed as public members of the District of Columbia Commission on Persons with Disabilities ("Commission"), for terms to end September 30, 2022:
 - a. **SHAKIRA HEMPHILL;**
 - b. **DENISE DECKER;**
 - c. **KAMILAH MARTIN-PROCTOR;**
 - d. **TERRANCE HUNTER;**
 - e. **GERARD COUNIHAN;** and
 - f. **CHARLOTTE CLYMER.**

2. The following persons are appointed to the District of Columbia Commission on Persons with Disabilities:
 - a. **RACHAEL GASS**, as a public member, replacing Vencer Cotton, for a term ending September 30, 2022.

 - b. **RON SMITH**, as the Developmental Disabilities State Planning Council member, replacing Cheri Mallory, for a term ending September 30, 2020, and for a new term ending September 30, 2023.

 - c. **DANIEL HIGGINS**, as a public member, replacing Jarvis Grindstaff, for a term to end September 30, 2022.

3. EFFECTIVE DATE: This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-030

February 24, 2020

SUBJECT: Designation – Special Event Areas for Mayor Muriel Bowser's #FITDC HerStory 5K Run/Walk

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. On Saturday, March 7, 2020, between the hours of 4:00 am – 3:00 pm., the following areas shall be designated as a special event area:
 - a. Pennsylvania Avenue, NW, between 14th Street, NW, and 3rd Street, NW;
 - b. 3rd Street, NW, between Pennsylvania Avenue, NW, and D Street, SW;
 - c. Independence Avenue, SW, between 7th Street, SW, and 3rd Street SW;
 - d. 4th Street, SW, between Independence Avenue, SW, and D Street, SW; and
 - e. 13th Street, NW, between E Street, NW, and Pennsylvania Avenue, NW.
2. The Government of the District of Columbia – Executive Office of the Mayor is authorized to operate said special event area designated by this Order, and to conduct necessary and appropriate activities in aid of the special event route for the #FITDC HerStory 5K Run/Walk. Mayor Muriel Bowser's health and wellness initiative, #FITDC, executed by the Department of Parks and Recreation, hosts free fitness events for residents of the District of Columbia to promote physical fitness and healthy living.
3. This Order is an authorization for the closure of the designated streets only, and the operating entities shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated streets. All building, health, life safety and use of public space requirements shall remain applicable to the Special Event Areas designed by this Order.

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


MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2020-031
February 25, 2020

SUBJECT: Reappointments and Appointment — Board of Audiology and Speech-Language Pathology

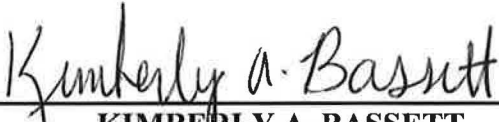
ORIGINATING AGENCY: Office of the Mayor

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 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 6, 2007, D.C. Law 16-219, D.C. Official Code § 3-1202.18 (2016 Repl.), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Board of Audiology and Speech-Language Pathology, for terms to end February 25, 2024:
 - a. **KRISTIN SPIVEY**, as a practicing speech-language pathologist member; and
 - b. **ROBERT TRAINA**, as a consumer member.
2. **KRISTIN SPIVEY**, is appointed as the Chairperson for the Board of Audiology and Speech-Language Pathology, for a term to end February 25, 2021.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-032
February 25, 2020

SUBJECT: Appointment — Child Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.04 (2019 Repl.), it is hereby **ORDERED** that:

1. **JACQUELINE SMITH** is appointed as a representative of a college or university school of social work member to the Child Fatality Review Committee, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2020-033
February 25, 2020

SUBJECT: Reappointment and Appointments — Healthy Youth and Schools
Commission

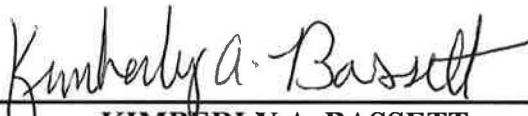
ORIGINATING AGENCY: Office of the Mayor

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 702 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.02 (2018 Repl.), it is hereby **ORDERED** that:

1. **JEFF TRAVERS** is reappointed as an expert in health, wellness, or nutrition member of the Healthy Youth and School Commission (“Commission”), for a term to end May 1, 2022.
2. **RAVEN CARTER** is appointed as a student member of the Commission, replacing Lauren Polite, for a term to end November 3, 2020.
3. **KAFUI DOE** is appointed as a designee of the Department of Health, replacing Robin Diggs, serving at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

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

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

**NOTICE OF THE REIMBURSEMENT PERCENTAGE FOR
THE METROPOLITAN POLICE DEPARTMENT
REIMBURSABLE DETAIL PROGRAM**

The Alcoholic Beverage Control Board (Board), in accordance with section 2(d)(4) of the *Alcoholic Beverage Control Board License Categories, Endorsements, and Hourly and Percentage Rate Amendment Act of 2019*, enacted on December 23, 2019 (A23-0185; 67 DCR 13)(Act), hereby gives notice of the reimbursement percentage for the Metropolitan Police Department Reimbursable Detail Reimbursement Program (RDO Program).

The RDO Program is a public safety program established by the Alcoholic Beverage Regulation Administration (ABRA) and the Metropolitan Police Department (MPD) to encourage ABC-licensed establishments to retain off-duty MPD officers to patrol the surrounding areas of the establishment during their hours of operation. Persons who obtain temporary or one-day substantial change licenses to host outdoor events or pub crawl permit holders may also participate in the RDO Program. In order to encourage participation in the RDO Program, ABRA subsidizes the cost of hiring off-duty MPD officers by paying MPD a percentage of the licensee's costs.

Before the Council approved the Act, the Board would adjust the reimbursement percentage by rulemaking. The new law, however, gives the Board the authority to make adjustments to the reimbursement percentage by publishing notice in the *D.C. Register*. In accordance with the Act, the reimbursement rate would take effect thirty (30) days after the notice is published in the *D.C. Register*.

The Board gives notice that the reimbursement percentage shall remain the same at sixty-five percent (65%). Any future changes to this percentage shall be in accordance with the Act.

Persons with questions regarding this notice may be contact ABRA General Counsel Martha Jenkins, at (202) 442-4456 or Martha.jenkins@dc.gov.

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2020 MuralsDC Program**

The DC Commission on the Arts and Humanities (CAH) announces the availability of grants to support public art projects of the MuralsDC program in the District of Columbia during Fiscal Year 2020.

CAH seeks to provide support for graffiti and aerosol mural artists and/or artist teams to design and install murals that inspire the various communities in which they will be placed.

Artist/Artist teams must meet eligibility criteria listed in the program's guidelines. Preference will be given to artists based in the District of Columbia. All District of Columbia based artists must possess a Citywide Clean Hands Certification at the time of application.

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming MuralsDC Call for Graffiti and Aerosol Mural Artists. All activities funded by the grant must be completed by September 30, 2020.

The Request for Qualifications (RFQ) will be available beginning March 13, 2020 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for this application is April 24, 2020.

For more information, please contact:

Alissa Maru or Lauren Dugas Glover
Public Art Department
DC Commission on the Arts and Humanities
200 I (EYE) St. SE, Suite #1400
Washington, DC 20003
(202) 724-5613 or Alissa.Maru@dc.gov; Lauren.glover@dc.gov

OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS
COMMISSION ON ASIAN AND PACIFIC ISLANDER COMMUNITY
DEVELOPMENT

Wednesday, February 19, 2020, 6:30 PM
441 4th Street NW, Suite 721 North, Washington, DC 20001
Call-in: (877) 787-5492, Passcode: 9401470

Agenda

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of January 2020 Meeting Minutes

Executive Reports and Business Items

1. Director's Report, Ben de Guzman, MOAPIA
2. May AAPI Heritage Month
 - a. Celebration
 - b. Awards
3. Commission Task Forces

Miscellaneous Items

Meeting Adjournment

Next Meeting:

Wednesday, March 18, 2020, 6:30 PM

MOAPIA

441 4th St NW, Suite 721N, Washington, DC 20001

Questions:

John Tinpe Chairman, John.Tinpe@dcbc.dc.gov

Ben Takai, Vice Chair & Secretary BenTakai@dcbc.dc.gov

Henry Duong, MOAPIA Henry.Duong@dc.gov

www.apia.dc.gov

DEPARTMENT OF BEHAVIORAL HEALTH (DBH)

NOTICE OF FUNDING AVAILABILITY (NOFA)

DC Opioid Response (DCOR) Prevention Grant for Ward 3

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

General Information:

Funding Opportunity Title:	DC Opioid Response (DCOR) Prevention Grant for Ward 3
Funding Opportunity Number:	RM0 DCOR022820
Program RFA ID#:	RM0 DCOR022820
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Children and Youth Services Division
DBH Administrative Unit:	SUD Prevention. Treatment & Recovery
Program Contact:	Ashley King 202-673-3531 Ashley.king@dc.gov Arielle Brock (202) 671-3175 Arielle.brock@dc.gov
Program Description:	The DBH Children and Youth Services Division is soliciting applications from Ward 3 organizations identified as Community Prevention Networks (CPNs), community based organizations, and/or non-profit organizations focused on substance use prevention, to develop and implement a combination of an evidence-based intervention and environmental strategies to prevent opioid misuse among youth and young adults between the ages of 12 to 25.
Eligible Applicants:	<ol style="list-style-type: none"> 1. District of Columbia organizations who have provided programming and/or collaborated with agencies on substance abuse prevention in Ward 3; 2. 501(c)(3) non-profit status, Community Prevention Networks (CPNs), or

	community based organizations focused on substance use prevention; 3. Eligible to participate in District-funded programs (not disbarred) as evidenced by an exclusion verification; and 4. Are not currently a recipient of two or more DBH DCOR sub-grants 5. Are not current DC Prevention Centers or parent agencies
Anticipated Number of Awards:	One (1)
Anticipated Amount Available:	\$100,000
Floor Award Amount:	N/A
Ceiling Award Amount:	\$100,000

Funding Authorization:

Legislative Authorization:	N/A
Associated CFDA#:	93.788
Associated Federal Award ID#:	H79TI081707
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, February 28, 2020
Pre-Application Conference (Date):	Monday, March 9, 2020
Pre-Application Conference (Time):	10:00 a.m. – 12:00 p.m. (E.T)
Pre-Application Conference (Location/Conference Call Access):	64 New York Avenue, NE, 2 nd Floor Room 242. Washington, DC 20002 Pre-Registration required for conference call access (Ashley King at 202-673-3531)
Letter of Intent Due Date:	Friday, March 6, 2020
Application Deadline Date:	Friday, March 20, 2020
Application Deadline Time:	4:30 p.m. E.T
Links to Additional Information about this Funding Opportunity:	DC Grants Clearinghouse https://opgs.dc.gov/page/opgs-district-grants-clearinghouse

Notes:

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SUBSTANTIAL UNDUE ECONOMIC HARDSHIP DETERMINATION

RE:

Address:	Square:	Lot:
741 Nicholson Street, NE	3742	0088

Dear Sir/Madam:

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY 2019**, for the following reasons:

*You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, “A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.
 (B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship.”*

DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2.

To learn more about the Vacant Buildings registration process or inspection requirements, please call (202) 442-4332 or visit www.dcr.dc.gov.

If you have questions regarding this decision please contact Theresa Hollins, Support Specialist at (202) 442-4377.

Sincerely,

Donald Sullivan,
 Program Manager
 Vacant Building Enforcement

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
NOTICE OF VACANT BUILDING ENFORCEMENT CORRECTION

Address:	Square:	Lot:
Fairland Avenue SE	5603	0816

The Department of Consumer and Regulatory Affairs (DCRA) has acknowledged that the referenced property is a Vacant Lot and was classified in error as Class 3-Vacant. Based on this decision, the property will be removed from the Vacant Property List and the tax rate reclassified as Class 2-Commercial for **2008 & 2009 tax years**.

Inquiries should be directed to Donald Sullivan, Program Manager, Vacant Building Enforcement, Department of Consumer and Regulatory Affairs: 202-520-2995, Donald.sullivan@dc.gov.

BOARD OF ELECTIONS**NOTICE OF PUBLICATION**

The Board of Elections formulated the short title, summary statement, and legislative text of the “Entheogenic Plant and Fungus Policy Act of 2020 at a Special Board Meeting on Tuesday, February 18, 2020. Pursuant to D.C. Official Code § 1-1001.16, the Board hereby publishes the aforementioned formulations as follows:

INITIATIVE MEASURE

NO. 81

SHORT TITLE

“Entheogenic Plant and Fungus Policy Act of 2020”

SUMMARY STATEMENT

If enacted, this Initiative would:

- Make the investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing, and/or engaging in practices with entheogenic plants and fungi among the Metropolitan Police Department’s lowest law enforcement priorities; and
- Codify that the people of the District of Columbia call upon the Attorney General for the District of Columbia and the United States Attorney for the District of Columbia to cease prosecution of residents of the District of Columbia for these activities.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Entheogenic Plant and Fungus Policy Act of 2020”.

Sec 2. Findings and Declaration of Policy.

- (a) The people of the District of Columbia find that use of entheogenic plants and fungi have been demonstrated, through scientific studies, to be beneficial in addressing a variety of afflictions including substance abuse, addiction, trauma, post-traumatic stress syndrome, chronic depression, anxiety, diabetes, cluster headaches and other conditions; and that practices with entheogenic plants and fungi have long existed, have been considered sacred to a number of cultures and religions for millennia, and continue to be enhanced and improved. Citizens of the District of Columbia seeking to improve their health and well-being through the use of entheogenic plants and fungi currently use them in fear of arrest and prosecution.
- (b) It is declared the policy of this act to make investigation and arrest of adults for non-commercial planting, cultivating, purchasing, transporting, distributing, possessing or engaging in practices with entheogenic plants and fungi among the lowest law enforcement priorities for the District of Columbia.

Sec 3. Policy Regarding Investigation and Arrest for Offenses Involving Entheogenic Plants and Fungi.

- (a) For purposes of this section, the term “entheogenic plant and fungus” means any plant or fungus of any species in which there is naturally occurring any of the following substances in any form which would cause such plant or fungus to be described in D.C. Official Code §48-902.04(3): ibogaine, dimethyltryptamine, mescaline, psilocybin or psilocyn.
- (b) The Metropolitan Police Department shall make the investigation and arrest of persons 18 years of age or older, for non-commercial planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic

plants and fungi that are listed in Schedule I of the District of Columbia Uniform Controlled Substances Act of 1981 effective August 5, 1981 (D.C. Law 4-29, D.C. Official Code §48-902.04) as among its lowest enforcement priorities.

(c) Nothing in this section shall affect the priority of enforcing any provision of D.C. Official Code Title 50, Subtitle VII, Chapter 22, Subchapter III-A; or of D.C. Official Code §48-904.07a.”

Sec 4. The people of the District of Columbia call upon the Attorney General of the District of Columbia and the United States Attorney for the District of Columbia to cease prosecution of residents of the District of Columbia for non-commercial planting, non-commercial cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing entheogenic plants and fungi as defined in section 3 of this act.

Sec. 5. Fiscal impact statement.

Sec. 6. Effective date.

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

Sustainable DC 2.0 Community Actions

The Department of Energy and Environment (the Department) seeks eligible entities to propose ways to develop and implement action plans for District residents to support the Sustainable DC 2.0 Plan. These action plans are to be developed based on input from residents and community partners, and coordinated with existing incentives. The amount available for the project is \$90,000.

Beginning 2/28/2020, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2020SDCactions.grants@dc.gov with "Request copy of RFA 2020-2010-USA" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Daniel Guilbeault at (202) 281-3957 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Daniel Guilbeault RE:2020-2010-USA" on the outside of the envelope.

The deadline for application submissions is 3/30/2020, at 11:59 p.m. A complete electronic copy must be e-mailed to DOEE.grants@dc.gov and 2020SDCactions.grants@dc.gov and received by that date and time.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: 2020SDCactions.grants@dc.gov.

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

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

- **Exterior and Interior Wayfinding Sign Design, Planning, Fabrication and Installation** for all 17 Friendship Public Charter School office and school locations.

The competitive RFP can be found on FPCS website at:

<http://www.friendshipschools.org/procurement>. Proposals are due no later than **4:00 P.M., EST, Friday April 3, 2020**. Questions and Proposals should be submitted on-line at:

Procurementinquiry@friendshipschools.org. Proposals can be submitted in person at 1400 1st Street NW, Suite 300, Washington, DC. 20001. All bids not addressing all areas as outlined in the RFP will not be considered. No proposals will be accepted after the deadline.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING OF THE
WALTER REED ARMY MEDICAL CENTER
COMMUNITY ADVISORY COMMITTEE**

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code §2-574(1)).

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

Date: Monday, March 2nd
Time: 6:30 PM – 8:00 PM
Location: District of Columbia International School
1400 Main Dr. NW, Washington, DC 20012
Contact: Randall Clarke, DMPED

Walter Reed Community Advisory Committee Meeting Agenda

1. LRA Opening Remarks
 - Welcome & Intro
 - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
 - CBE First Source Project Update/Upcoming Opportunities
 - Construction Updates
 - Project Events
 - Other Project Updates
3. Special Presentation – Retail Strategy: Streetsense
3. Adjourn - 8pm

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**2020 RESOLUTION****for****THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX –
URBAN WAGE EARNERS AND CLERICAL WORKERS (CPI-W), FOR
ALL ITEMS;****THE SOCIAL SECURITY COST-OF-LIVING ADJUSTMENT;
THE MAXIMUM ANNUAL RENT INCREASE FOR ELDERLY
TENANTS AND TENANTS WITH A DISABILITY; and
THE QUALIFYING INCOME FOR EXEMPTION FROM CERTAIN
RENT INCREASES**

It is hereby resolved by the Rental Housing Commission (“Commission”) this 20th day of February, 2020:

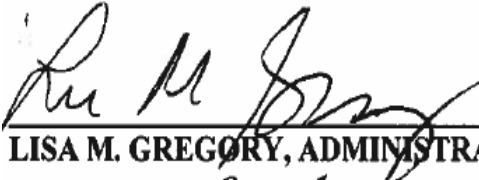
1. Whereas, effective January 1998, the United States Department of Labor, Bureau of Labor Statistics (“BLS”), eliminated the publication “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which included the District of Columbia and parts of the states of Maryland and Virginia, and initiated the publication “Consumer Price Index – Urban Wage Earners and Clerical Workers (CPI-W), Washington-Arlington, D.C.-Md.-Va.-W.Va., All Items,” which includes the District of Columbia and parts of the states of Maryland, Virginia, and West Virginia in a consolidated metropolitan statistical area (“Washington-Baltimore CMSA”);
2. Whereas, effective April 2018, BLS eliminated the publication of the Washington-Baltimore CMSA and initiated the publication “CPI-Urban Wage Earners and Clerical Workers for All Items, Washington-Arlington-Alexandria, DC-VA-MD-WV,” which includes the District of Columbia and parts of Maryland, Virginia, and West Virginia in a core based statistical area (“Washington-Arlington-Alexandria CBSA”);
3. Whereas, pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b)) (“Act”), the Commission is mandated to determine the change, during the twelve months of calendar year 2017 in the Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for all items in the statistical area that includes the District of Columbia;
4. Whereas, pursuant to the requirements of section 206(b) of the Act, the Commission used the BLS publication of the CPI-W for all items for calendar year 2019 in the Washington-Arlington-Alexandria CBSA;
5. Whereas, the Commission determined the calendar year 2019 change in the CPI-W for all items for the Washington-Arlington-Alexandria CBSA was 1.0%;

6. Whereas, pursuant to section 202(a)(3)(B) of the Act, the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i));
7. Whereas, the Commission determined that the Social Security COLA established for calendar year 2020 is 1.6%;
8. Whereas, pursuant to section 202(a)(3)(C) of the Act, the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or a tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act, which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this resolution; (b) the Social Security COLA, as determined by this resolution; or (c) 5% of the current rent charged; and
9. Whereas, the Commission determined that, pursuant to section 224(a) of the Act, the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or a tenant with a disability that may be imposed by a housing provider shall not exceed 1.0%;
10. Whereas, pursuant to section 202(a)(3)(D) of the Act, the Commission shall additionally determine the qualifying income for an elderly tenant or a tenant with a disability to be exempt from an adjustment in the rent charged as provided by section 224(b) of the Act, to include capital improvement surcharges, related service or facility increases, hardship surcharges, substantial rehabilitation surcharges, and voluntary agreement increases (“Qualifying Income”), based on the definition provided by section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)) (“HPTF Act”), as 60% of the area median household income for four persons, utilizing the calculation published by the U.S. Department of Housing and Urban Development (“HUD”);
11. Whereas, the Commission determined that HUD estimates the area median household income to be \$117,200 for a household of four people, and the HPTF Act increases or decreases that amount by 10% per person in the household;
12. Be it therefore resolved, that, pursuant to the requirements of section 202(a)(3) of the Act, the Commission hereby certifies that:
 - (a) The rent adjustment of general applicability, to become effective on May 1, 2020, shall not exceed **1.0%** of the legal rent charged for a rental unit on April 30, 2020;
 - (b) The annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or a tenant with a disability shall not exceed **1.0%** of the legal rent charged on April 30, 2020; and

- (c) The Qualifying Income for a household of four persons shall be \$70,320, plus or minus \$7,032 for each additional or fewer person in the household; and
13. Be it further resolved, that the Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2020, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents and Administrative Issuances for publication in the *District of Columbia Register*.



MICHAEL T. SPENCER, CHIEF ADMINISTRATIVE JUDGE



LISA M. GREGORY, ADMINISTRATIVE JUDGE



RUPA R. PUTTAGUNTA, ADMINISTRATIVE JUDGE

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

CERTIFICATION AND NOTICE
OF
RENT ADJUSTMENT OF GENERAL APPLICABILITY AND
QUALIFYING INCOMES FOR RENT EXEMPTIONS

EFFECTIVE MAY 1, 2020

SUMMARY

If you are a tenant in or housing provider of a rent-controlled apartment or house:

- In general, a tenant's rent should not go up by more than **3.0%** this year, unless the housing provider has special approval.
- If a tenant is 62 or older or has a disability, the rent should not go up by more than **1.0%**, unless the housing provider has special approval.
- If a tenant is 62 or older or has a disability *and* the annual household income is less than what's listed in this notice (for example, **\$70,320 for a household of four** people), the tenant might not have to pay part of the rent if the housing provider got special approval for a rent increase.

Tenants and housing providers also have other rights and responsibilities under the law. This notice is only about specific limits that will take effect this year.

LEGAL NOTICE

- Pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b)) ("Act"), the Rental Housing Commission ("Commission") shall determine a maximum allowable adjustment of general applicability in the rent charged in accordance with section 206(a) of the Act (D.C. Official Code § 42-3502.06(a)) for rental units covered by the Rent Stabilization Program,¹ which shall be equal to the change during the previous calendar year Consumer Price Index for Urban Wage Earners and Clerical Workers for All Items ("CPI-W") in the Washington, D.C. statistical area.²

¹ The coverage of the Rent Stabilization Program is established by section 205(a)-(e) of the Act (D.C. Official Code § 42-3502.05(a)-(e)).

² The Rental Housing Commission and the Rent Administrator are mandated by Act to annually calculate and publish in the *District of Columbia Register* the percentage change in the "Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items." D.C. Official Code §§ 42-3502.04(k), 42-3502.06(b). However, the Act does not reflect changes in the publication by the United States Department of Labor, Bureau of Labor Statistics ("BLS"), which publishes the CPI-W statistics and determines what cities, counties, and states are included in statistical areas. In 2018, BLS discontinued its prior publication, in use since 1998, and now includes the District of Columbia in "Washington-Arlington-Alexandria,

- Pursuant to section 206(b) of the Act, the Commission determined that the CPI-W for All Items in the Washington, D.C. statistical area increased by 1.0% during the previous calendar year.
- Pursuant to section 202(a)(3)(A) of the Act (D.C. Official Code § 42-3502.02(a)(3)(A)), the Commission hereby certifies and gives notice that **the rent adjustment of general applicability to become effective on May 1, 2020, shall not exceed 1.0% of the legal rent charged** for a covered rental unit on April 30, 2020.³
- Pursuant to section 202(a)(3)(B) of the Act (D.C. Official Code § 42-3502.02(a)(3)(B)), the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)).
- Pursuant to section 202(a)(3)(B) of the Act, the Commission determined that the Social Security COLA established for calendar year 2020 is **1.6%**.⁴
- Pursuant to section 202(a)(3)(C) of the Act (D.C. Official Code § 42-3502.02(a)(3)(C)), the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or a tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act (D.C. Official Code § 42-3502.24(a)),⁵ which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this notice; (b) the Social Security COLA, as determined by this notice; or (c) 5% of the current rent charged.

DC-VA-MD-WV Core Based Statistical Area.” See <https://www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm>.

The BLS data on which the Commission relies is published with the Series ID CWURS35ASA0.

³ Pursuant to section 208(h)(2)(A) of the Act (D.C. Official Code § 42-3502.08(h)(2)(A)), except as provided for elderly tenants and tenants with a disability (without regard to income) and rental units leased or co-leased by a home and community-based services waiver provider, a housing provider may increase the rent charged for a rental unit by **an additional 2% above the adjustment of general applicability**.

⁴ See 83 Fed. Reg. 53702 (Oct. 24, 2018).

⁵ For the purpose of determining the maximum allowable rent increase under section 224(a) of the Act, the term “elderly tenant” means a tenant who is at least **62 years of age**, as defined by section 103(12) of the Act (D.C. Official Code § 42-3501.03(12)), and “tenant with a disability” means a tenant who has **a physical or mental impairment that substantially limits one or more major life activities**, as defined by section 103(36A) of the Act (D.C. Official Code § 42-3501.03(36A)) to incorporate the definition of “disability” provided by section 3(1)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)).

- Pursuant to section 202(a)(3)(C) of the Act, the Commission hereby certifies and gives notice that **the annual adjustment in the rent charged for a covered rental unit occupied by an elderly tenant or a tenant with a disability shall not exceed 1.0% of the legal rent charged** on April 30, 2020.
- Pursuant to section 202(a)(3)(D) of the Act (D.C. Official Code § 42-3502.02(a)(3)(C)), the Commission shall additionally determine the maximum qualifying income for an elderly tenant or a tenant with a disability to be exempt from certain rent surcharges and adjustments pursuant to section 224(b) and (i) of the Act (D.C. Official Code § 42-3502.25(b) & (i)),⁶ as 60% of the area median income, based on household size, in accordance with section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)) (“HPTF Act”).⁷
- Pursuant to section 202(a)(3)(D) of the Act (D.C. Official Code § 42-3502.02(a)(3)(C)), the Commission hereby certifies and gives notice that **the maximum qualifying income for an elderly tenant or a tenant with a disability to be exempt from certain rent surcharges and adjustments shall be:**
 - For a household of one person, \$49,224;
 - For a household of two people, \$56,256;
 - For a household of three people, \$63,288;
 - For a household of four people, \$70,320; and
 - For a household of five people or more, \$77,352, plus \$7,032 for each additional person above five.

⁶ Subject to the availability of tax credits, as determined by the Chief Financial Officer of the District of Columbia, a housing provider may not charge an elderly tenant or tenant with a disability with a qualifying income any rent or rent surcharge approved in a capital improvement petition, related services and facilities petition, hardship petition, substantial rehabilitation petition, or voluntary agreement. D.C. Official Code § 42-3502.24(b), (g), & (i).

⁷ Section 2(1) of the HPTF Act (D.C. Official Code § 42-2801(1)) requires the use of data published by the U.S. Department of Housing and Urban Development (“HUD”). Annually, HUD publishes its calculation of median family income, and corresponding program income limits, in April, the midpoint of the fiscal year. *See* <https://www.huduser.gov/portal/datasets/il/il18/Medians-Methodology-FY18r.pdf>. However, section 202(a)(3)(C) of the Act (D.C. Official Code § 42-3502.02(a)(3)(C)) requires the Commission to publish its qualifying incomes by March 1 of each year. Accordingly, the Commission uses the latest-available income data from HUD as of the date this notice is published.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 15, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 28, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2020
Page 2 of 8

Addy	Willie James	Carr Workplaces 1101 Connecticut Avenue, NW, Suite 450	20036
Azerefegn	Mekedes	The George Washington University 2033 K Street, NW, Suite 210	20006
Barsamyan	Ani	Bank Of America 1001 Pennsylvania Avenue, NW	20004
Baskerville	Tiffany	Self 2202 T Place, SE	20020
Bernard	Daniel James	First Excel Title 5335 Wisconsin Avenue, NW, Suite 440	20015
Bethel	Tameca Fitzgerald	Universal Service Administrative Company 700 12th Street, NW, Suite 900	20005
Blake	Deborah	Pillsbury Winthrop Shaw Pittman, LLP 1200 Seventeenth Street, NW	20036
Boyd	Scott C.	Andersen 1850 K Street, NW, Suite 675	20006
Bull	Emily	Capitol Seniors Housing 1275 Pennsylvania Avenue, NW	20004
Burgos	Jennifer Anne	Mi Oficina Express 3443 14th Street, NW, #1B	20010
Campbell	Cindy	Unity Health Care 1100 New Jersey Avenue, SE, Suite 500	20003
Cash	Barbara Ann	Medstar Washington Hospital Center 110 Irving Street, NW, 2A39	20010
Cecil	Meghan Kathleen	Marcum LLP 1899 L Street, NW, Suite 850	20036
Chambers	Tyonna Letitia	Transportation Federal Credit Union 1200 New Jersey Avenue, SE	20003

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2020
Page 3 of 8

Clough	Jill	Arent Fox, LLP 1717 K Street, NW	20006
Cofer	Betty J.	State Farm Insurance 7414 Georgia Avenue, NW, Suite 2	20012
Colby	Victoria	Pact 1828 L Street, NW	20036
Collings	Chelsea E.	Americans United 1310 L Street, NW, Suite 200	20005
Colliton	Kathleen D.	Fannie Mae 1100 15th Street, NW	20005
Coppin	Raquel Moreira	Inter-American Investment Corporation 1350 New York Avenue, NW	20577
Davis	Krystyn Bryana	Republic National Distributing Company 4235 Sheriff Road, NE	20019
DeHut	Jennifer	Cap8 Doors & Hardware 5786 2nd Street, NE	20011
Dowell	Shawn D.	DYRS 1000 Mount Olivet Road, NE	20002
Dunmore	Marisa	The Office of Tax and Revenue 1101 4th Street, SW	20024
El	Jahara	ITCON, LLC 501 School Street, NW, Suite 300	20024
England	Larissa M.	Self (Dual) 400 Galloway Street, NE, #434S	20011
Fabijan	Alliyah Lynn	Holtzman Vogel Josefiak Torchinsky PLLC 2300 N Street, NW, 643A	20037
Ford	Tiffany Ann	Department of Youth Rehabilitation Services 1000 Mount Olivet Road, NE	20002

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: March 15, 2020

Page 4 of 8

Fowler	Beth L.	Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP 2000 K Street, NW, 4th Floor	20006
Gant	Karla Nicolle	KIND, Inc. (Kids in Need of Defense) 1201 L Street, NW	20005
Gomez	Michelle	CentroNía 1420 Columbia Road, NW	20009
Greer	Marian	JLL 2020 K Street, NW, Suite 1100	20006
Gribbins	James A.	Washington Door & Hardware 5764 2nd Street, NE	20011
Gutierrez	Pablo F.	PNC Bank 1913 Massachusetts Avenue, NW	20036
Habte	Abel	Martha's Table 2375 Elvans Road, SE	20020
Hall	Brenda J.	United House Of Prayer 1117 7th Street, NW	20001
Hasapis	Alexander J.	Self 1160 First Street, NE, Apartment 843	20002
Hatcheu	Georgette	Self (Dual) 2321 4th Street, NE, #412	20002
Hausman	Jonathan Saul	Working America 815 16th Street, NW	20003
Hayes	Maisha	DC Office of the State Superintendent of Education 1050 First Street, NE, 3rd floor	20002
Henry	Kevin Michael	Keith Watters and Associates 1667 K Street, NW, Suite 1125	20006
Henson	Angela L.	Department of Commerce	

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: March 15, 2020

Page 5 of 8

		1401 Constitution Avenue, NW, Suite 5896	20230
Hinds	Tia Renee	ACON Investments, LLC 1133 Connecticut Avenue, NW, Suite 700	20036
Hinger, Jr.	William D.	Womble Bond Dickinson (US) LLP 1200 19th Street, NW, Suite 500	20036
Jackson	Edia L.	Ballard Spahr, LLP 1909 K Street, NW, 12th Floor	20006
Jackson	Elizabeth	Combined Properties, Incorporated 1025 Thomas Jefferson Street, NW, Suite 700E	20007
Jackson	Samone	Euphemia L. Haynes Public Charter School 4501 Kansas Avenue, NW	20011
Jennings	Jennifer	Eversheds-Sutherland 700 Sixth Street, NW	20002
John	Antoinette Millicent	US Green Building Council, Inc & Green Business Certification Inc. 2101 L Street, NW, Suite 500	20037
Johnson	Lisa Sharon	Housing Urban and Development 451 7th Street, SW	20410
Jones	LaShoun	Schiff Hardin, LLP 901 K Street, NW, Suite 700	20001
Jones	Summer Valerie	Loften & Jones 1155 F Street, NW, Suite 1050	20004
Laughinghouse	Vernestine	VL Services, Inc. dba Absolute Organizing Solutions 1439 Rittenhouse Street, NW	20011
Lawson	Drew Wesley	Bookoff McAndrews, PLLC 2020 K Street, NW, Suite 400	20006

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: March 15, 2020

Page 6 of 8

Lindsay	Tina E.	Office of Attorney General/Child Support Service Division 441 4th Street, NW, Suite 550N	20001
Loften	Sharron Elizabeth	Loften & Jones LLC 1155 F Street, NW, Suite 1050	20004
Lucas	Najahla	Eastern Branch Demolition, LLC 3150 V Street, NE	20018
Mammadov	Rizan	J P Morgan Chase Bank 3140 M Street, NW	20007
Mayfield	Nicole Rowe	Nicole Mayfield 5661 3rd Street, NE, Suite 430	20011
McCarthy	Lisa D.	Homeland Title & Escrow, LTD 1140 3rd Street, NE, Suite 2152	20002
McKinney	Robin	Self (Dual) 1262 Calbert Street, SE, 15A	20020
McLain Dosunmu	Priscilla	SIPC 1667 K Street, NW, Suite 1000	20006
Moglica	Sandra	Pounds 215 I Street, NE, Suite 210	20002
Murray	Marquis Lawrence	WHUR-FM 529 Bryant Street, NW	20059
Nedd	Renee	TD Bank 905 Rhode Island Avenue, NE	20018
Onofre	Karen	Wells Fargo 1750 H Street, NW, Suite 550	20006
Partin	Vanessa G.	Kirkland & Ellis, Human Resources 1301 Pennsylvania Avenue, NW	20004
Perry	Devonalu	White & Case, LLP	

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: March 15, 2020

Page 7 of 8

		701 13th Street, NW	20005
Regan	Nicholas	American Rivers 1101 14th Street, NW, Suite 1400	20005
Robertson	Alina	Planet Depos 1100 Connecticut Avenue, NW	20036
Robinson	carol Jean	Carol J. Robinson Stenotype Reporting Services 1629 K Street, NW, Suite 300	20006
Rogers	Ray	Tri-State Funeral Services, Inc. 1505 Kenilworth Avenue, NE	20019
Rumedi	Virginta K.	The George Washington University School of Medicine and Health Sciences 2600 Virginia Avenue, NW, Suite 104	20037
Scott	Marlene	DC Public Library 1990 K Street, NW, Suite 500	20006
Semple	Mable Lee	Brighter Day (Shaw United Methodist) 2525 12th Place, SE	20020
Shreeves	Regina Kay	NGP Energy Technology Partners 1750 K Street, NW, Suite 700	20006
Shui	Jing	White & Case, LLP 701 13th Street, NW	20005
Skinner	Nicole	Self 637 Kennedy Street, NE	20011
Stieber	Jerome Sinclair	Best Bark Communications 2233 Wisconsin Avenue, NW, Suite 224	20007
Summers	Olivia F.	Self (Dual) 1401 New York Avenue, NE, #308	20002
Tabron	Moneick	DC Public Library 1990 K Street, NW, Suite 500	20006

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: March 15, 2020
Page 8 of 8

Tarsi	Favianna	Self (Dual) 2311 M Street, NW, #804	20037
Underwood	Isaac	US International Development Finance Corporation (DFC) 1100 New York Avenue, NW	20527
Vermeire	Darlene L.	International Brotherhood of Teamsters 25 Louisiana Avenue, NW	20001
Vosburgh	Emma	Self 99 Blair Alley, SW, #253	20024
Washington	McKayla Johnee'	WTS International 1701 K Street, NW, Suite 800	20006
Wesley	Clarice Ann	White & Case, LLP 701 13th Street, NW	20005
Whitaker	Mark K.	Self (Dual) 1245 4th Street, SW, #E202	20024
Williams	Tamika L.	Allied Universal 1400 I Street, NW, Suite 600	20005
Wilson	Jay	The UPS Store 611 Pennsylvania Avenue, SE	20003
Wilson	Nichelle Laneka	Carr Workplaces 1455 Pennsylvania Avenue, NW, #200	20006
Wilson	Ronika Elizabeth	Woodley House 6856 Eastern Avenue, NW, Suite 300	20012
Young	Ramona Queen	Office Of Attorney General 441 4th Street, NW	20001

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, February 18, 2020 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://www.scdc.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Minutes from the January 21, 2020 Meeting - Action Item, Judge Lee.
2. Overview of Agency Performance Hearing - Informational Item, Judge Lee, Chairman and Barbara Tombs-Souvey, Executive Director.
3. Sentencing Commission Annual Report – Informational Item, Barbara Tombs-Souvey, Executive Director
 - March 3, 2020 – Distributed to Commission Members
 - March 16, 2020 – Deadline for Feedback and/or Edits
4. Title 16 Sentencing Data Follow-up – Taylor Tarnalicki, Research Analyst.
5. DC Social Media Policy Follow-Up - Action Item, Miatta Sesay, Outreach Specialist.
6. Revised Fast Facts – Adult Sex Offenses – Action Item, Taylor Tarnalicki, Research Analyst.
7. Next Scheduled Meeting – March 17, 2020.
8. Adjourn.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES
NOTICE OF PUBLIC MEETING**

The regular meeting of the University of the District of Columbia Board of Trustees will be held on Tuesday, March 3, 2020 at 6:00 p.m.in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu. For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes – November 19, 2019
- III.** Action Items – Resolutions
- IV.** Report of the Chairperson – Mr. Bell
- V.** Report of the President – President Mason
- VI.** Committee Reports
 - a. Executive – Mr. Bell
 - b. Committee of the Whole – Mr. Bell
 - c. Academic and Student Affairs – Dr. Tardd
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force – Ms. Roberts
 - d. Audit, Budget and Finance – Mr. Shelton
 - e. Community College – Dr. Tardd
 - f. Operations – Mr. Shelton
 - g. Student Outcomes –
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

**DEPARTMENT OF YOUTH REHABILITATION SERVICES
NOTICE OF FUNDING AVAILABILITY**

Family Engagement Grant Program

The Department of Youth Rehabilitation Services (DYRS) seeks eligible entities to propose a plan for the implementation of rigorous and effective family engagement activities and programming. The amount available for the project is approximately \$85,000 for a one-year period - starting October 1, 2020 – with the possibility to renew for up to three years pending funding availability and grantee performance.

Beginning 2/28/2020, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

Download from the DYRS website, www.dyrs.dc.gov. Select the *Doing Business with DYRS* tab and click on the request for applications link.

Email a request to dyrsfamilyengagementRFA.2020@dc.gov with “Request copy of Family Engagement RFA” in the subject line.

Pick up a copy in person from the DYRS grants management division, located at 450 H Street, NW 7th Floor, Washington, DC 20001. To make an appointment, call Kish Rusek at (202) 299-3996 and mention this RFA by name.

Write DYRS at 450 H Street, NW 7th Floor, Washington, DC 20001, “Attn: DYRS Grants – Family Engagement RFA” on the outside of the envelope.

The deadline for application submissions is 3/30/2020, at 4:30 p.m. All applications must be submitted through the Philantrack system.

Eligibility: All the checked institutions below may apply for these grants.

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations
- Faith-based organizations
- Government agencies
- Universities/educational institutions
- Private Enterprises

For additional information about this RFA, write to: dyrsfamilyengagementRFA.2020@dc.gov.

**BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
BZA Application No. 19557A**

The Board of Zoning Adjustment for the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of its intention to not disapprove, or in the alternative, disapprove the following at its public meeting of March 18, 2020:

Application of Government of the Commonwealth of Australia, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved by BZA Orders No. 19557 to refine several components of the architectural elements and open spaces of the Australian embassy building in MU-15 Zone at 1601 Massachusetts Avenue N.W. (Square 181, Lot 162).

Notice of the modification request was provided to the affected **Advisory Neighborhood Commission (ANC) 2B**. Additionally, any updates to the scheduling of the Board's public meeting on this application will be reflected on the public hearing calendar of the Office of Zoning (OZ) website at <http://dcoz.dc.gov/bza/calendar.shtm>. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the OZ website at www.dcoz.dc.gov
- Click on "Case Records" under "Services".
- Enter the BZA application number indicated above and click "Go".
- The search results should produce the case. Click "View Details".
- On the right-hand side, click "View Full Log".
- This list comprises the full record in the case. Simply click "View" on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

Members of the public may participate in a case by submitting a letter in support or opposition into the record. Visit the Interactive Zoning Information System (IZIS) on our website at <https://app.dcoz.dc.gov/Login.aspx> to make a submission. Please note that party status is not permitted in Foreign Missions cases.

If you have any questions or require any additional information, please call OZ at 202-727-6311.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19823 of Wisconsin Avenue Baptist Church, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the use requirements of Subtitle U § 203.1(f)¹, and under Subtitle C § 1402 from the retaining wall requirements of Subtitle C § 1401.3(c), and pursuant to Subtitle X, Chapter 10, for variances from the height limitations of Subtitle D § 303.1, from the lot occupancy requirements of Subtitle D § 304.1, and from the side yard requirements of Subtitle D § 307.1, to construct a new church and continuing care retirement community in the R-1-B Zone at 3920 Alton Place, N.W. (Sq. 1779, Lot 14)

HEARING DATES: September 12, October 10 and 17, and November 14, 2018
DECISION DATE: February 6, 2019

DECISION AND ORDER

Wisconsin Avenue Baptist Church (“**WABC**”), the owner of Lot 14 in Square 1779 with an address of 3920 Alton Place, N.W. (the “**Property**”) and Sunrise Senior Living (“**Sunrise**,” and collectively with WABC, the “**Applicants**”) filed an application (the “**Application**”) with the Board of Zoning Adjustment (the “**Board**”) on June 14, 2018, requesting the following relief under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all references are made unless otherwise specified):

- special exception under Subtitle U § 203.1(f) to allow for a continuing care retirement community (“**CCRC**”);
- special exception Subtitle C § 1402 to allow a retaining wall greater than four feet in height;
- area variance from the height requirements of Subtitle D § 303.1;
- area variance from the lot occupancy requirements of Subtitle D § 304.1; and
- area variance from the side yard requirements of Subtitle D § 307.1.

to construct a church and CCRC at the Property (the “**Project**”). For the reasons explained below, the Board voted to **APPROVE** the Application.

FINDINGS OF FACT

Notice of the Application and of the Public Hearing

1. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the October 10, 2018 public hearing by an August 10, 2018, letter to:
 - the Applicant;

¹ On September 13, 2019, after the Board decided this case, the Zoning Commission amended the Zoning Regulations pursuant to Z.C. Case No. 19-04 to add “Community solar facility not meeting the requirements of Subtitle U § 201.19(c)” as Subtitle U § 203.1(f), and subsequently renumbering the special exception for CCRCs as Subtitle U § 203.1(g).

- Advisory Neighborhood Commission (“ANC”) 3E, the ANC in which the subject property is located and therefore the “affected ANC” per Subtitle Y § 101.8;
 - the Single Member District/ANC 3E05;
 - the Office of Advisory Neighborhood Commissions;
 - Office of Planning (“OP”);
 - the District Department of Transportation (“DDOT”);
 - the Councilmember for Ward 3;
 - the Chairman of the Council;
 - the At-Large Councilmembers; and
 - the owners of all property within 200 feet of the Property.
2. OZ published notice of the original October 10, 2018,² public hearing in the *D.C. Register* on August 17, 2018 (65 DCR 8525), as well as through the calendar on OZ’s website.

Party Status

3. The Applicants and ANC 3E were automatically parties in this proceeding per Subtitle Y § 403.5.
4. The Board received a request for party status in opposition to the Application from Tenleytown Neighbors Association (“TNA”). The organization is comprised of residents living within the Tenleytown neighborhood, including members who live in the same block or within one block of the proposed development site. (Exhibit [“Ex.”] 33.)
5. The Board granted the party status request of TNA at its public meeting of September 12, 2018. (Ex. 43.)
6. The Board also received a request for party status in opposition from nine neighbors on the 3900 block of Yuma Street, N.W., who live within 200 feet of the Property, and who collectively referred to themselves as the Yuma Street Requesters (“YSR”). (Ex. 48 and 84.)
7. The Board granted the party status request of YSR at its public hearing of November 14, 2018. (Public Hearing Transcript of November 14, 2018 [“Nov. 14 Tr.”] at 316.)

The Property

8. The Property is an irregularly shaped, five-sided lot with frontage on Alton Place, Yuma Street, and Nebraska Avenue, N.W.
9. The Property has a land area of 35,443 square feet and is approximately seven times

² The first hearing was originally scheduled for October 10, 2018, postponed until October 17, 2018, and then held on November 14, 2018.

larger than the average of the other five lots on the square.

10. WABC holds the fee title to the Property. Sunrise has an ownership interest as a contract purchaser. (Ex. 9.)
11. The Property is improved with a brick church constructed circa 1955 and occupied by WABC. The existing church provides 350 seats and includes space for 56-student day care facility. The Property also includes a parking lot and playground.
12. The Property is bounded to the east by single-family residences fronting on 39th Street.
13. The National Park Service ("NPS") owns Lot 811, the triangular parcel in Square 1779 immediately west of and abutting the WABC land which fronts on Tenley Circle, Nebraska Avenue, and Yuma Street, N.W (the "NPS Lot").
14. On the west side of Tenley Circle are American University Washington College of Law, St. Ann Catholic Church, and the Yuma Study Center. Woodrow Wilson High School is located to the northeast of the Property on Nebraska Avenue, N.W. and Janney Elementary School and the Tenleytown Public Library are to the northwest at Wisconsin Avenue and Albemarle Street, N.W. The Tenleytown Firehouse is two blocks to the southwest at Wisconsin Avenue and Warren Street, N.W. Mixed-use retail, service and office uses are two blocks north. Retail and commercial uses continue south along Wisconsin.
15. The Property is well-served by Metrobus and Metrorail. The Tenleytown-AU Station Metrorail station is approximately 0.1 miles to the north and there are 19 Metrobus stops and 11 Metrobus routes located within one-quarter of a mile.
16. The Property is zoned R-1-B.
17. The Residential House (R) zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1.)
18. The R zones are intended, in part, to:
 - a) *provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development;*
 - b) *recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;*
 - c) *allow for limited compatible accessory and non-residential uses; and*
 - d) *allow for the matter-of-right development of existing lots of record.* (Subtitle D § 100.2.)

19. The purposes of the R-1-B zone specifically are to:
 - a) *protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and*
 - b) *stabilize the residential areas and promote a suitable environment for family life.* (Subtitle D § 300.1.)
20. The R-1-B zone provides for areas predominantly developed with detached houses on moderately sized lots. (Subtitle D § 300.3.)

The Application

21. The Applicants submitted the Application on June 14, 2018. (Ex. 1, 8, 11.)
22. The Applicants propose to demolish the existing church building in order to construct a new building (the “**Building**”) housing a 250-seat church (the “**Church**”) and an 86-unit CCRC facility (the “**CCRC**”).

The Building

23. The Building will have an overall height of 40 feet with four stories and two levels below grade. It will also include an approximately 70-foot tall steeple.³
24. The roof will not have a penthouse but will contain some mechanical equipment that will be located behind a sloped mansard roof, which will serve as a mechanical screen wall to limit its visibility from the street and to reduce the potential noise impacts. (Ex. 69E2; Nov. 14 Tr. at 344.)
25. The Building will occupy 57% of the lot.
26. The Application proposes the following setbacks:
 - a) 10 feet from Alton Place (front yard);
 - b) 45.4 feet from Yuma Street (rear yard);
 - c) 36 feet from its eastern lot line; and
 - d) No side yard is provided on the western lot line abutting the open space National Park Service lot.
27. The Application proposes green roof areas as part of the project’s sustainability enhancements. (Ex. 69E2.)
28. The Building will provide a total of 66 vehicle parking spaces on-site in the two-level below-grade garage to serve both the needs of both the Church and the CCRC. (Subtitle C § 705.1; Ex. 5.)

³ A spire, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of the otherwise permitted height. (Subtitle D § 207.2.)

29. Thirty-two long-term bicycle spaces will be located on the first level of the garage in a bicycle storage room. The amount of spaces provided meets the requirements for both multi-unit residential buildings (29 spaces) and religious institutions (2 spaces). Because seniors living in the building are not anticipated to be riding bikes to and from the site, these spaces will be available for CCRC staff, visitors, and church members. (Ex. 69E2.)
30. The garage will have a designated area for deliveries, and a screened, 30-foot loading dock will be located just outside the garage entrance. All deliveries will be limited to the hours of 8:00 AM to 6:00 PM. (Ex. 69E2, 119A.)
31. Trash receptacles for the facility will be located inside an air-conditioned trash room. Receptacles will be wheeled to the loading dock area on trash collection days. Collection times will be controlled and will occur after 8:00 AM in the morning, three times a week. (Ex. 119A.)
32. The driveway will enter at grade level at Alton Place, descending 13 feet to the garage entrance at a maximum slope of 12%, and then rise again to grade level at the south to allow cars to exit onto Yuma Street. (Ex. 121A1 at 48.)
33. The Application proposes a retaining wall that will range in height from a few inches at its lowest point closest to the streets to a maximum of 13 feet where the driveway meets the garage entrance. The Application noted that the retaining wall would be setback between 8.3 and 16.5 feet from the common property line. In addition, the Application proposes to provide a six-foot-high board fence along the property line with a landscaped buffer between the fence and the retaining wall, which would be topped with a wrought iron fence for additional security. Finally, due to the configuration of the Property, the full height of the retaining wall would not be fully visible from either Alton Place or Yuma Street. (Ex. 121A1 at 48.)
34. The Application also noted that it would be providing numerous landscaping improvements to the NPS Lot based on discussions with NPS and the Commission of Fine Arts. The Application noted that these improvements would result in the conversion of the currently empty lot to a park space which, in addition to providing a benefit to the community, would serve as a visual buffer for the Building. (Ex. 69, 69E1 at 10, 13-14.)

The Church

35. WABC intends to use the Church for its worship and service needs. In addition to typical worship services, religious instruction, and Bible studies, the Church will meet the needs of its congregation and the community through its fellowship and support groups, counseling services, clothing and food drives, religious retreats, program and lecture series, weddings, funerals, ministries for the sick and infirm, support for international missions, service projects, and other functions. (Ex. 69 at 3.)

36. The Church will occupy approximately 16% of the Building consisting of the south portion of the Building on the first and second floors, and a portion of the first below-grade level. (Ex. 69E2.)
37. The main entrance to the Church will be on Yuma Street, N.W. and from the first below-grade level. (Ex. 69E2.)
38. WABC presently has 85 congregants, and it is anticipated that the number of members may increase modestly to approximately 100 congregants over the next several years. The proposed sanctuary will have a maximum capacity of 250 seats to accommodate occasional special events such as weddings or funerals. (Nov. 14. Tr. at 325.)

The CCRC

39. The CCRC will provide assisted living units designed for older adults who value their independence but need some assistance with daily activities such as bathing, dressing, transportation, and medication reminders. The CCRC will also provide a dedicated memory care floor. The CCRC will not offer units for independent living nor skilled nursing facilities. (Ex. 69.)
40. The CCRC will provide 86 units and will be licensed for 115 beds. (Ex. 8.)
41. The CCRC will occupy portions of the first below-grade level, first and second floors, as well as the entire third and fourth floors. (Ex. 69E2.)
42. The first below-grade level will provide vehicular and bicycle parking spaces, a main kitchen, laundry facilities, fitness and physical therapy space, and mechanical space. (Ex. 69E2.)
43. Floors one through three of the CCRC will provide residential units (without kitchens), dining rooms, a living room, activity rooms, a bistro, a library, a spa/salon, offices, and an interior garden courtyard. (Ex. 69E2.)
44. The CCRC's fourth floor is proposed to be devoted to older adults living with memory loss, including Alzheimer's and other forms of dementia. Generally, these services include a secure floor with staff trained to understand the needs of the people with dementia. Staff would be on site 24 hours to assist all CCRC residents. (Ex. 69.)
45. The CCRC will employ approximately 75 full-time equivalent employees over three shifts. Based on a stabilized resident occupancy rate of 93%:
 - a) the morning shift (6:30 AM to 2:30 PM) will have approximately 30 employees;
 - b) the afternoon/evening shift (2:30 PM to 11:30 PM) will have approximately 25

employees, reduced by 25% after dinner and another 25% at 9:00 PM; and

c) the night shift (11:30 PM to 6:30 AM) will have approximately six employees.

46. The main entrance to the CCRC will be on Alton Place, N.W., which includes a semi-circular drive off the street for drop off and pick up at the front door. (Ex. 69E2.)

Relief Requested

47. The Application requests the following relief:

48. Special Exceptions:

a. Special exception to allow the CCRC, as authorized in the R-1-B zone per Subtitle U § 203.1(f).

b. Special exception relief to allow a retaining wall greater than four feet in height, as the proposed retaining wall will range from a few inches to a maximum height of 13 feet. (Subtitle C § 1401.3(c).)

49. Variances:

a) Area variance relief from the maximum permitted three stories for all structures to provide a total of four stories for the Building. (Subtitle D §§ 207.5 and 303.1.)

b) Area variance relief from the maximum 40% lot occupancy requirement for non-religious uses to allow the Building to occupy 57% of the lot. (Subtitle D § 304.1.)

c) Area variance relief from the eight-foot side yard requirement, in order to provide no side yard along the western lot line abutting the open space National Park Service lot. (Subtitle D § 307.1.)

Applicants' Justification of Requested Relief

50. The Application notes that, while the Property is affected by a confluence of factors, the most extraordinary condition affecting the Property is its unique value to WABC as the home of its congregation for more than 60 years combined with the fact that the Existing Building is functionally outmoded and in a state of disrepair. The Existing Building has inadequate heating, lighting, and safety features. In addition, the Existing Building is not ADA-accessible. (Ex. 69.)

51. The Application provided evidence that WABC could not afford on its own to make needed repairs or retrofit the building to be ADA accessible. WABC also noted that selling the Property in its entirety would result in having to permanently disband WABC at that location. WABC considered alternate funding options, including subdividing the site into three lots and selling two of the lots for development as detached single-family

- houses. However, WABC concluded that option would not generate enough revenue to pay for all the needed maintenance and repairs and to sustain the long-term interests of the church. (Ex. 69.)
52. Ultimately, WABC elected to partner with Sunrise which agreed to purchase an interest in the Property and construct the Building to include both a modern church, to be owned by WABC, and a CCRC to be owned by Sunrise on the Property. The Application noted that part of WABC's decision to partner with Sunrise stemmed from the determination by the trustees of WABC that a CCRC would be a "mission compatible use" with the church. (Ex. 69.)
53. The Application also included an analysis of demand for assisted living facilities in the District. This analysis noted that while there are several existing assisted living facilities in Upper Northwest D.C., the demand still outpaces the supply. The Application's analysis concluded that the number of seniors aged 75 years and older living in the District is expected to grow by over 40% in the next ten years and that the city will need additional facilities to support the aging population. (Ex. 69 at 5-6.)
54. The Application noted that the District government had recognized "the importance of increasing the supply of high-quality senior housing options," including assisted living facilities, as evidenced by passage of the Assisted Living Residence Regulatory Act of 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.1) that defined "Assisted Living Residences" and established a licensing requirement for them. (Ex. 69, Footnote 4.)
55. The Application asserts that in order be financially viable, a CCRC providing assisted living facilities and memory care requires a minimum of 86 units over which to spread the construction costs, which are much higher than the typical multi-family building. In order to accommodate the minimum number of units for economic viability, the building is designed with double-loaded corridors. Assisted living facilities require I-2 type construction under the building code; robust resident safety systems, particularly with memory care units and floors, such as door security, e-call, and staff communication systems; specialized furniture; as well as other specialized design needs. (Ex. 69.)
56. The Application noted that in order to accommodate the minimum number of units for economic viability, the Building is designed with double-loaded corridors and further contended that the minimum 86 units required for the project would not fit on a smaller footprint. The Application asserted that meeting the 40% lot occupancy limit for non-religious buildings would either require reducing unit size below functional standards for an assisted living facility or would require the elimination of not just one unit, but tiers of units or the double-loaded corridor. Removing one floor to meet the matter-of-right limit on stories would similarly reduce the number of units and render the assisted living facility unviable. (Nov. 14 Tr. at 350-51.)

57. The operational costs of a CCRC use also outpace a typical residential building. The typical CCRC must have computerized care planning and management systems, and medication administration, storage and disposal. The increasing level of care required for residents demands a more highly skilled and costly staff. Capital expenditures average \$2,990 per unit per year. (Ex. 131A.)
58. In order to evaluate the visual impact of the building envelope with the requested relief for the proposed CCRC, the Applicants submitted drawings comparing the proposed development and a matter-of-right church constructed to a height of 60 feet. The submission also included shadow studies illustrating the potential impacts of the existing structure, the new building and garage, and a matter-of-right church (60 feet in height and 60% lot occupancy) on the surrounding area. (Ex. 135E.)
59. The shadow studies demonstrated that 75% of the time, the impacts on the adjacent properties to the east will be no greater than those caused by the Existing Building. These shadow studies showed that the Building would decrease the sunlight to the adjacent properties to the east beginning at approximately 4:00 p.m. only during the spring and fall equinox, and the winter solstice, when total darkness occurs approximately 50 minutes later. The studies also demonstrated that a church built to matter-of-right specifications would cast the same or greater shadows than the proposed facility at these same times of year. (Ex. 135E.)
60. The Application also included a noise study analyzing the rooftop mechanical equipment, which concluded that any noise produced would be at or below existing background noise levels and well below the D.C. noise control regulations. (Ex. 69C.)
61. At peak operating capacity of the CCRC and the Church on an average Sunday, when church attendance is highest, the potential maximum usage of the Building could be 250 people (100 WABC congregants, 119 CCRC residents, and 30 CCRC staff). (Ex. 69, 121A1.) The CCRC staff will work in shifts, with a maximum of approximately 30 staff on site at one time.
62. The Applicants also provided a Comprehensive Transportation Review (“CTR”, Ex. 41, 52-52A) prepared by Gorove/Slade Associates. The CTR includes a Traffic Demand Management Plan (“TDM Plan”), a Loading Management Plan, and truck routing diagrams. The CTR concluded that the Building would not result in a detrimental impact to the surrounding transportation network once all proposed site design elements are implemented. The CTR noted the Property’s proximity to Metrobus and Metrorail stops, the availability of sufficient on-site vehicular and bicycle parking, and the Applicants’ proposed TDM Plan elements.

Responses to the Application

OP Report

63. OP submitted a report dated November 2, 2018 (the “OP Report”, Ex. 90),

recommending approval of the Application subject to the following conditions:

- a) All lighting on the roof deck should be down lit; and
 - b) Amplified music on the roof deck be prohibited.
64. The OP Report concluded that the Applicants had demonstrated that the proposed CCRC had met the special exception criteria of Subtitle U § 203.1(f) and was not likely to result in objectionable impacts to the neighboring properties due to noise, traffic or other conditions. Other than the conditions regarding outdoor lighting and amplified music, the OP Report did not recommend any additional special treatment for the Building.
65. In terms of the requested special exception for the retaining wall, the OP Report concluded that the retaining wall facilitated the provision of underground parking and loading facilities, thereby reducing potential impacts on the surrounding properties and the streetscape.
66. The OP Report also concluded that no substantial detriment to the public good was likely to result from the approval of the requested variances noting that the Building would still be within the 40-foot height limit which would prevent undue impacts on the adjacent properties' light and air. The OP Report further concluded that "[granting] the requested increase in lot occupancy and number of stories, and the reduced side yard adjacent to the NPS land would allow the church to continue to fulfill its mandate and provide a needed option for seniors residences."
67. The OP Report noted that the Property is within the Washington Metro Area Transit Authority's ("WMATA") zone of influence as the Metrorail Red Line tunnel crosses the property below grade. The OP Report noted that the Applicants had indicated that the preliminary design and engineering plans had already been sent to WMATA for review and that they would need to be approved prior to the start of any construction.
68. The OP Report included findings from the DC Office of Aging ("DCOA") which concluded that the number of District residents aged 65 and older is increasing, particularly in Wards 3, 4 and 5, and this will require increased services and facilities to accommodate and care for them.
69. The OP Report concluded that CCRC would be a benefit to the public good as it would allow elderly residents to age in their community, which is consistent with the Zoning Regulations' intent for the R Districts. (*See* Subtitle D § 100.2.)

DDOT Report

70. DDOT submitted a report dated October 10, 2018 (the "DDOT Report", Ex. 53), concluding that approval of the Application would not result in any adverse impacts to the District's transportation network. The DDOT Report recommended no objection to approval of the Application, subject to the Applicant implementing the TDM and

Loading Management Plans identified in the DDOT Report.

71. The DDOT Report noted that, based on the Applicant's CTR, the Application would reduce the Property's demand on the District's transportation network when compared to the existing uses on the Property.
72. The DDOT Report also noted the 66 on-site parking spaces being provided in the Building's garage met the requirements of the Zoning Regulations for both the Church and the CCRC uses.
73. The DDOT Report also noted that the Applicants had proposed three potential improvements to the District's transportation network, including:
 - a) The implementation of an all-way stop at 39th Street, N.W. and Wisconsin Street N.W.;
 - b) The installation of "Do Not Block the Box" pavement markings and signage at Nebraska Avenue, N.W. and Alton Place, N.W.; and
 - c) Increased pedestrian crossing time for the east-west crossing over Nebraska Avenue, N.W. just north of Tenley Circle, N.W.

The DDOT Report noted that these potential improvements were not required by DDOT based on the Application's impacts but were being proffered by the Applicants based on coordination with the community.

74. After the November 14, 2018 public hearing, DDOT filed a response to a letter from Ward 3 Councilmember Mary Cheh. DDOT explained that the trip estimates that the Applicants provided were "developed in close coordination with DDOT during the CTR process" and reiterated its conclusion that "the proposed redevelopment would generate fewer weekday peak hour trips than the current site . . . primarily due to the changing of the daycare use to a less intense assisted living use." (Ex. 137.)

WMATA Letter

75. By letter dated December 28, 2017 (the "**WMATA Letter**", Ex. 108), WMATA stated that it had reviewed the project and determined that it would have an impact on WMATA property and facilities, specifically the Metrorail Red Line Tunnel. The WMATA Letter went on to note that it would support the project, contingent on the Applicants' agreement to comply with standard WMATA construction related policies including:
 - a) Ongoing coordination with WMATA;
 - b) Compliance with operational and safety criteria; and

- c) Payment of WMATA's administrative, design review, construction oversight, and support costs.

ANC Report

76. The Applicants made presentations to ANC 3E on October 12, and December 14, 2017, and on March 15, June 14, September 17, and November 8, 2018.
77. By resolution dated November 12, 2018 (the "**ANC Report**," Ex. 119), ANC 3E stated that, at a properly noticed public meeting on November 8, 2018 with a quorum present, the ANC adopted a report in support of the Application and attached a memorandum of understanding ("**MOU**", Ex. 119A) reached between the ANC and the Applicants.

Parties in Opposition

78. YSR and TNA (collectively the "**Party Opponents**") both submitted pre-hearing statements to the record outlining their opposition to the project.
79. YSR's statement (Ex. 48) argued that the proposed Building and CCRC would:
 - a) Cause significant impacts to traffic, parking, and noise in the surrounding neighborhood;
 - b) Result in the loss of greenery, open space, mature trees, and landscaping;
 - c) Adversely impact the light, air, and privacy available to the adjacent properties; and
 - d) Result in an "overall degradation of the character of the neighborhood".
80. YSR's statement noted that it intended to proffer an expert witness in the area of transportation planning and traffic engineering, Mr. Joe Mehra, to comment on the Applicant's CTR and the potential adverse impacts on traffic resulting from the Building.
81. As preliminary matters, TNA's statement (Ex. 83A) argued that Sunrise could not properly request relief because it is not the true owner of the Property. TNA also contended that the Applicants were not entitled to additional "public good flexibility" regarding the variance standards because WABC had not made a showing that it had or intended to serve the community.
82. TNA's statement also raised the follow substantive arguments in response to the Application:
 - a. The size and density of the Building is too great for the surrounding

neighborhood;

- b. The “volume of use” and amount of variance relief requested would effectively result in a zone change;
- c. The CCRC is a health care or commercial use and not permitted in the R-1-B zone;
- d. The approval of the Application would conflict with the Comprehensive Plan;
- e. The proposed use would create potential traffic and parking impacts;
- f. The proposed use would result in noise impacts;
- g. The proposed retaining wall presents potential safety hazards;
- h. The approval of the Application would impact on the market value of neighboring homes;
- i. The construction of the Building would negatively impact the neighbors; and
- j. The proposal is noncompliant with other requirements of the Zoning Regulations, particularly the height of the proposed steeple, pervious surface, loading access and parking requirements.

Persons in Opposition

83. The Board also received letters and heard testimony from persons in opposition to the Application. The persons in opposition commented unfavorably on the WABC’s decision to construct a CCRC on its property, objected to the size and density of the proposed structure, and expressed concern about traffic and parking impacts.

Persons in Support

84. The Board received letters and heard testimony from persons in support of the application. Supporters included immediate neighbors, members of Ward 3 Vision, and representatives from community organizations.
85. The persons in support generally cited the needs of WABC to redevelop its property with a compatible partner that could construct a new right-sized church and an assisted living facility for the city's senior population. Supporters stated that Property was an appropriate location for the CCRC use, that the size and operation of the CCRC would not be objectionable, and that the uses would not generate adverse impacts in the surrounding neighborhood, including with respect to traffic and parking.

Public Hearing of November 14, 2018

86. At the public hearing of November 14, 2018 (the “**Public Hearing**”), the Applicants presented testimony from Ms. Patricia Dueholm and Ms. Janet Brooks representing WABC; Mr. Philip Kroskin with Sunrise; Ms. Alice Katz, the Applicants’ financial analyst; Mr. Dan Van Pelt with Gorove/Slade, the Applicants’ traffic expert; and Mr. Andrew Altman, the Applicants’ expert in land planning.
87. Ms. Dueholm and Ms. Brooks testified as to the institutional needs of WABC. They noted WABC’s long history in Tenleytown as well as the fact that the existing building is in a state of severe disrepair and not ADA accessible. (Nov. 14 Tr. at 323-328; Ex. 121A at 6-7.)
88. Mr. Kroskin testified as to the scope of Sunrise’s services. In particular, he noted that approximately 70% of Sunrise’s residential population is drawn from the surrounding communities within a 10 to 15-minute drive of the particular facility. Mr. Kroskin also detailed Sunrise’s community outreach and intergenerational programs. (Nov. 14 Tr. at 333-334; Ex. 121A at 17-18.)
89. Ms. Katz testified on the increasing need for CCRCs in the area and the necessity of providing at least 85 units. Ms. Katz noted that typically urban CCRCs will draw most of their population from within a three-mile radius. Ms. Katz noted that incremental needs in the next five to ten years within a three- and five-mile radius of the Property are expected to be in excess of 2,000 beds. (Nov. 14 Tr. at 354; Ex. 121A at 19, 52-60.)
90. Regarding the minimum number of units required for financial viability, Ms. Katz testified that the “increasing acuity of residents requires more highly-skilled staff, higher staffing levels, which means more staff hours per resident, and also more technology to support the building.” (Nov. 14 Tr. at 356, Ex. 121A at 61-66.)
91. Mr. Altman testified that the proposed project provides two fundamental public benefits:
- a) the development of a new church building for a congregation with a long-standing commitment to the surrounding community, and
 - b) a CCRC that is critically needed in the District. (Nov. 14 Tr. at 361.)
- Mr. Altman explained, “[the CCRC use] is clearly a critical need in the District, as it's pointed out in the Office of Aging Report and OP's report, in terms of, the demand for this and where we need these facilities and it's very hard to find locations for these facilities that meet these tests.” (Nov. 14 Tr. at 363.)
92. Mr. Altman also noted that a church built to maximum matter-of-right standards, including a lot occupancy of 60% rather than the 57% proposed, would result in a much larger building with much greater potential impacts on the surrounding neighborhood than the proposed Building. (Nov. 14 Tr. at 367.)

93. OP testified in support of the Application and reiterated its two proposed conditions regarding outdoor lighting and amplified music. OP also noted that it had not considered the more flexible non-profit, public service organization variance standard in evaluating the relief requested in the Application. (Nov. 14 Tr. at 402, 407.)
94. Regarding potential traffic impacts, YSR's transportation expert, Mr. Mehra, testified at the public hearing that the Applicant's CTR used flawed methodology inconsistent with "industry standards" and was therefore inaccurate. (Nov. 14 Tr. at 412.)
95. On cross-examination, Mr. Mehra conceded that the scope and methodology used by Gorove/Slade was approved by DDOT. Mr. Mehra also stated he had not conducted his own study but instead relied on a church document from 2008 that was not submitted to the record. Mr. Mehra did not reference any evidence in the record suggesting that the church was pursuing the potential programs that would lead to this increase. (Nov. 14 Tr. at 416-418.)
96. The Party Opponents testified that they understood that CCRCs were allowed as a special exception use, but they still believed that the Property was an improper place for one to be located. The representative of TNA, Judy Chesser, reiterated that TNA believed that the proposed "volume of use" combined with the number of requested special exceptions and variances would result in an effective rezoning of the Property. (Nov. 14 Tr. at 419-420.)
97. The Party Opponents noted that the Property "is bounded on all three sides by single-family homes" and that the proposal is too close to the single-family homes. (Nov. 14 Tr. at 422 and 444.) The Party Opponents also argued that the proposed setbacks from property lines are insufficient and that the inclusion of a driveway ramp within the setback to the east defeats the intended purpose of the setback. (Nov. 14 Tr. at 424 and 457.)
98. The Party Opponents argued that the CCRC would have an inappropriate "volume of use" that would equate to approximately 450 people on the site assuming that all CCRC residents and staff are on the site at one time and that the 250-seat church is filled to capacity. (Nov. 14 Tr. at 423.)

Post-Hearing Submissions

99. At the conclusion of the hearing, the Board requested the Applicant to provide several documents:
 - a) additional perspective renderings of the proposed building;
 - b) further detail on the landscape buffer between the proposed building and the 39th Street neighbors;

- c) a plan showing a matter-of-right option;
 - d) shadow studies; and
 - e) a vehicle turn diagram.
100. In addition, the Board specified that the Party Opponents could respond to the Applicants' post-hearing filings by December 17, 2018. (Nov. 14 Tr. at 545-546.)
101. The Applicants submitted the requested materials on December 10, 2018. (Ex. 135-135F.)
102. YSR did not file a response.
103. TNA filed a response to the Applicant's post-hearing submissions on December 17, 2018. TNA provided a critique of the documents submitted by the Applicants. (Ex. 136.) TNA also submitted:
- a. Its own renderings of the Building compared to the surrounding properties (Ex. 139A);
 - b. A plan showing a matter-of-right option (Ex. 136B);
 - c. Information on truck turn rotations (Ex. 136C);
 - d. A critique of the MOU agreed to by the Applicants and the ANC, along with an alternative construction management plan (Ex. 136D1);
 - e. A geotechnical report prepared for the Applicants and released to TNA by WMATA. (Ex. 136D2.)
104. TNA's post-hearing filings continued to reiterate the arguments presented in its pre-hearing statement and in the testimony at the hearing of November 14. Specifically, that the Building and proposed use would be too intense and too large for the surrounding neighborhood and would result in multiple adverse impacts to the neighboring properties. TNA also reiterated its assertions that Sunrise was not properly able to request zoning relief since it was not the property owner and that the Applicants should be required to indemnify the neighboring property owners for damages resulting from construction. (Ex. 136.)

CONCLUSIONS OF LAW

Ownership Issue

1. The Board concludes that the Applicants met their burden to show that the current fee-title owner of the property, WABC, and its authorized agent, Sunrise, have filed this application.
2. The Board is not persuaded by the Party Opponents' argument that only an owner may request zoning relief from the Board and that any relief benefitting Sunrise is not permitted under the Zoning Regulations because:
 - a. WABC is the current owner of the property, is a co-applicant in the case, and specifically authorized Sunrise to file the application on its behalf in accordance with the requirements of Subtitle Y §§ 300.4 and 300.5. (Ex. 9.)
 - b. As noted in the Application, at such time that WABC transfers an ownership interest in the Property to Sunrise, WABC will continue to own a portion of the Property. (Finding of Fact ["FF"] 10, 52.)

Special Exception Relief

3. 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:
 - (i) *will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,*
 - (ii) *will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and*
 - (iii) *complies with the special conditions specified in the Zoning Regulations.*
4. 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)).

Special Exception for CCRC Use

5. The Board concludes that the requested special exception for a CCRC use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

6. The Zoning Regulations (Subtitle B § 100.2) define a CCRC as:
[a] building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted living facilities, or a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may also include ancillary facilities for the further enjoyment, service, or care of the residents. The facility is restricted to persons sixty (60) years of age or older or married couples or domestic partners where either the spouse or domestic partner is sixty (60) years of age or older.
7. Pursuant to Subtitle U § 203.1, a CCRC use is a permitted use in the R-1-B Zone if approved by the Board as a special exception under Subtitle X, Chapter 9, subject to the associated provisions.
8. The Board concludes that the Application has met the criteria for a CCRC special exception for the following reasons:

Subtitle U § 203.1(f)(1) – CCRC Qualifying Uses

9. To qualify as a CRCC, the facility must include one or more of the following services:
 - a. *dwelling units for independent living,*
 - b. *assisted living facilities, or*
 - c. *a licensed skilled nursing care facility;*
10. The Board concludes that the Application meets the definition of an assisted living facility CCRC because it will provide residential accommodations, assistance with daily living, healthcare services and memory care for elderly persons over 60 years of age who value their independence but need some assistance with daily activities. (FF 39.)
11. While the Zoning Regulations do not specifically define an “assisted living facility”, they do classify an assisted living facility as a residential use under Subtitle B § 200.2(aa)(3), therefore the use is compatible with residential zones including the R-1-B.
12. As such, the Board rejects the assertion of the Party Opponents that the CCRC should be classified a “healthcare use” because CCRC uses specifically allow for the provision of some health care services. The Board also rejects the assertion that the CCRC is a “commercial use” for the same reason.

Subtitle U § 203.1(f)(2) - *If the CCRC use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight;*

13. The Board concludes that the proposed use does include assisted living facilities, so the number of residents is not limited by this provision. (FF 39.)

Subtitle U § 203.1(f)(3) - The CCRC use may include ancillary uses for the further enjoyment, service, or care of the residents;

14. The Board concludes that the CCRC will include various ancillary uses including exercise and gym space, physical therapy rooms, spas, a cinema and a bistro that would contribute to the enjoyment and care of the residents. (FF 42-43; Ex. 69B and 90.)

Subtitle U § 203.1(f)(4) - The CCRC use and related facilities shall provide sufficient off-street parking spaces for employees, residents, and visitors;

15. The Board concludes that there will be sufficient off-street parking for both the CCRC and the Church uses.
16. The Board notes that the Applicants are meeting the parking requirements of the Zoning Regulations, as confirmed by DDOT and OP, by providing a total of 66 parking spaces in the below-grade parking garage. (FF 28, 72; Ex. 53 and 90.)
17. The Board credits the findings of the DDOT Report, which noted that the Property's proximity to a Metro station, major bus transfer points, and the proposed TDM plan, resulted in DDOT having "no concerns with the parking proposal." (FF 70, Ex. 137.)
18. The Board also credits the findings of the DDOT-approved CTR which concluded that the CCRC and Church will not generate a demand for parking more significant than already exists. (FF 70-72; Ex. 53, and 137.) The Board also notes that the CTR found that the proposed number of parking spaces will exceed the expected demand for the Church and the CCRC employees, residents and visitors. (Ex. 52A.)
19. The Board notes that the number of employees will be relatively small, generally 6 to 30 employees. Further, most of the employees are anticipated to use public transportation, which is highly accessible given the proximity of Metro, multiple bus lines, and nearby car- and bicycle- sharing facilities. (FF 15, 45, 61-62.)
20. The Board credits the Applicants' statement that residents of the CCRC will be prohibited from applying for a residential parking permit to ensure that the supply of on-street spaces available to the immediate neighbors is not diminished, although the Applicants have stated that CCRC residents are unlikely to drive or own cars. (Ex. 69 at 15, 119A.)
21. The Board also finds that the Applicants have committed to directing any overflow traffic to nearby metered spaces or parking garages in the vicinity. (Ex. 52A, 119A.)

Subtitle U § 203.1(f)(5) - The CCRC use, including any outdoor spaces provided, shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions;

22. The Board concludes that the CCRC is not likely to result in objectionable impacts to the neighboring properties due to noise, traffic or other conditions because of the

various design and operational features that the Applicants have incorporated into the Building and use.

23. The Board notes that the outdoor lighting on the Building would be limited to the entrance and garage ramp and would be down lit. Lights at the loading dock would be turned off at 6:00 PM while other required exterior or interior lighting would be dimmed after 11:00 PM. To minimize light spill, the Board concurs with the recommendation of the OP Report that roof deck lighting be down lit. (Ex. 119A.)
24. The Board notes that, per the MOU, the Applicants have agreed to limit use of the rooftop terrace to between the hours of 8:00 AM to 10:00 PM on Sundays through Thursdays, and 8:00 AM to 11:00 PM on Fridays and Saturdays. No amplified music will be permitted on the roof. (Ex. 119A.)
25. The Board finds that all rooftop mechanical equipment would be located away from adjacent properties and buffered by the sloped mansard roof, which also acts as the mechanical screen wall. Further, the Board credits the Applicants' noise study that demonstrates that the rooftop mechanical equipment will only generate noise at or below the existing background levels, and well below the levels established in the D.C. noise control regulations. (FF 24, 60.)
26. The Board also concludes that potential noise generated by ambulance trips to the CCRC use would also be limited and within an acceptable range. Based on evidence from other area CCRC facilities, there is expected to be a maximum of ten ambulance visits per month to the site, with most occurring between 7:00 AM and 7:00 PM, thereby not creating any undue nighttime disturbance. In reaching this conclusion, the Board concurs with the findings of the OP Report that the Property is uniquely located at the edge of the Wisconsin Avenue commercial corridor and only two blocks from the Tenleytown Firehouse at Warren Street, N.W. (FF 14, Ex. 90.)
27. With respect to traffic, the Board credits the Applicants' CTR and the findings of the DDOT Report, that the Church and CCRC would not have an adverse impact on the transportation network. (FF 62, 70-72; Ex. 52A, 53, 90.) The number of trips expected to be generated by both uses is *de minimis* and will likely be fewer than the number of trips generated by the current church and child development center. (FF 71, 74.) It is anticipated that most traffic would be generated at shift changes during non-peak travel hours, and during church services on Sunday, thereby lessening traffic impacts. The Board also concludes that implementation of the Applicants' TDM Plan will ensure that any potential adverse impacts can be averted. (FF 70.)
28. The Board also notes that the Loading Management Plan restricts trash pickup and loading dock operations to the hours of 8:00 AM to 6:00 PM. The Applicants anticipate a total of 16-19 deliveries a week, including trash removal three times a week. The Loading Management Plan includes the provision of a loading manager to coordinate

the arrivals and departures from the loading dock to minimize any adverse impact. Trucks would also not be permitted to idle on or near the property. (FF 70; Ex. 119A.)

Subtitle U § 203.1(f)(6) - The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.

29. The Board concludes that elements to protect nearby and adjacent properties have been properly incorporated into the proposed plans, including the landscape buffer on the east side. The Board concurs with the OP recommendations that no amplified music be allowed on the roof terrace and that lights on the roof deck be down lit. (FF 33, 63.)
30. The Board finds that the Building will provide a buffer and transitional use between the active commercial and institutional uses along Wisconsin and Nebraska Avenues and the residential uses to the east. (FF 12-14.)

Subtitle X § 901.2 – General Special Exception Standards (CCRC)

31. The Board finds that the CCRC is permitted in the R-1-B zone and falls within acceptable parameters for R-1-B development, including the variance relief discussed below. The Board also notes that the CCRC will provide a needed facility for elderly district residents, particularly in Ward 3, and will be conducive to maintaining the quiet character of the residential area. (FF 53-54, 68-69, 88-89.)
32. The Board also concludes that the CCRC will not adversely affect the use of the neighboring properties. The Board notes that the Application proposes to provide significant landscaping around the property and that the Applicants have agreed to the conditions proposed by OP regarding exterior lighting and music. The Board also credits the conclusions of the Applicants' DDOT-approved CTR which concluded that the CCRC would not result in any undue parking or traffic impacts to the surrounding area. (FF 33-34, 62, 70-72.)
33. With regards to the Party Opponents' concerns regarding construction impacts, the Board has consistently held that construction management issues are not within its purview and are governed by the Construction Codes and other District agencies.

Special Exception for Retaining Wall

34. Subtitle C § 1401.3(c) allows an increase in the height of a retaining wall if the requirements of Subtitle C § 1402.1 are met: "*In addition to meeting the general conditions for being granted a special exception . . . the applicant must demonstrate that conditions relating to the building, terrain, or surrounding area would make full compliance unduly restrictive, prohibitively costly, or unreasonable.*" (Subtitle C § 1402.1.)
35. The Board concludes that if the Applicants were required to comply with the retaining wall height limitation, it would impede the Applicants' ability to provide parking and

loading facilities below grade. This would in turn require the Applicants to provide surface level parking and loading facilities which would require the Applicants to reduce the size of the Building and result in greater impacts to the neighboring properties and the streetscape. (FF 32-33, 65.)

36. The Board also notes that proposed driveway design, with access to both Alton and Yuma Streets, was specifically suggested by OP and supported by DDOT to reduce traffic impacts by allowing cars to access and depart the site to and from thereby reducing traffic impacts to the residential areas to the east. (FF 32-33, 65.)

Subtitle X § 901.2 – General Special Exception Standards (Retaining Wall)

37. The Board concludes that the proposed wall will be in harmony with the general purpose and intent of the Zoning Regulations because only the center segment of the wall will exceed the four-foot height limitation for a maximum height of 13 feet. Further, the Board notes that the retaining wall will face the Building and is necessary to provide the through-drive and access to the parking garage and loading dock. (FF 32-33, 65.)
38. The Board also concludes that the retaining wall will not adversely affect the use of the neighboring properties. The Board notes that the retaining wall is set back from the east property line to create the landscape buffer for adjacent 39th Street neighbors. The wall will not be visible from the 39th Street neighbors' rear and side yards and is only partially visible from Alton Place or Yuma Street. Only residents of the CCRC will have direct views of the portion of the retaining wall exceeding four feet. (FF 33; Nov. 14 Tr. at 351.)
39. The Party Opponents argued that the proposed retaining wall presents a hazard to children who might live or play near the facility. However, the Board finds that the retaining wall is designed to ensure maximum safety, specifically:
- a. A six-foot fence will separate the WABC property from the 39th Street neighbors on the property line;
 - b. A wrought iron fence will be constructed atop the retaining wall, another 8 to 16 feet from the property line;
 - c. There will be extensive evergreen plantings between the property line and the retaining wall/wrought iron fence; and
 - d. Locked gates will be located on the north and south ends of the planting strip.

With these safety features, the Board concludes that any potential harms resulting from the retaining wall are significantly minimized and would pose no greater threat than a matter-of-right retaining wall. (FF 33.)

Variance Relief

40. The Board is authorized to grant variances from the requirements of the Zoning Regulations where:
- (i) “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,”
 - (ii) the strict application of any zoning regulation “would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property,” and granting the requested variance would not cause
 - (iii) “substantial detriment to the public good” or
 - (iv) “substantial impairment to the intent, purpose, and integrity of the Zone plan as embodied in the Zoning Regulations and Map.”
- (Section 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (2018 Repl.); Subtitle X § 1000.1.)

Area Variances

41. An applicant for an area variance must prove that an extraordinary condition of the property would result in “peculiar and exceptional practical difficulties” by demonstrating first that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. (*Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990); Subtitle X § 1002.1(a).)
42. The Board concludes that the Application’s requests for relief from the height, lot occupancy, and side yard requirements properly qualify as area variances because they are requirements “that affect the size, location, and placement of buildings and other structures ...”. (Subtitle X § 1001.3(a).) Therefore, the Applicants must only show that strict compliance with the Zoning Regulations will result in “peculiar and exceptional practical difficulties”. (Subtitle X § 1001.2(a).)
43. The Board concludes that the Party Opponents confuse the standard of review for area variances with the use variance test. *See Neighbors for Responsive Gov’t, LLC v. District of Columbia Bd. of Zoning Adjustment*, 195 A.3d 35, 60 (D.C. 2018) (“a property owner need only show “practical difficulties” to obtain an area variance, whereas property owners must always show “undue hardship” to obtain a use variance.”) As such, the Board does not find the Party Opponents’ arguments that the Applicants are required to demonstrate that they will suffer undue hardship if the variances are not granted and that there are no alternative uses that will produce a reasonable income to be relevant. *See Clerics of St. Viator*, 320 A.2d at 296; *Gilmartin*, 579 A. 2d at 1168.
44. For the same reason, the Board concludes that the Party Opponents’ argument of self-created hardship due to WABC’s “lack of maintenance” is also not persuasive or

applicable. (Nov. 14 Tr. at 428.) The Board notes that the self-created hardship doctrine only applies when evaluating relief for a use variance and is therefore not pertinent to these proceedings. *See Gilmartin*, 579 A.2d at 1171 (“Prior knowledge or constructive knowledge or that the difficulty is self-imposed is not a bar to an area variance.”)

Area Variances for Number of Stories, Lot Occupancy, and Side Yards

45. Extraordinary or Exceptional Situation “The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property.” *Metropole Condo. Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082–83 (D.C. 2016).” *Ait-Ghezala v. District of Columbia Bd. of Zoning Adjustment*, 148 A.3d 1211, 1217 (D.C. 2016).
46. The Board concludes that the Property is affected by an exceptional situation and condition resulting from a confluence of factors including:
- a. the size of the lot which is approximately seven times larger than the average of the other lots in the square (FF 9);
 - b. the five-sided shape of the lot with frontages on three streets (FF 8);
 - c. the site’s prominent location on a Washington, D.C. traffic circle at the intersection of a major commercial corridor, meaning that the Property is unlikely to be developed for low density residential uses (FF 12-14); and
 - d. the institutional needs of the non-profit WABC to partner with a mission-compatible use, without which WABC could not maintain the existing building or survive on the Property. The Board finds that WABC has sufficiently demonstrated that its proposal to partner with Sunrise is its only viable option that would allow WABC to remain in its current location. The Board concludes that the specific design of the Building, including its size, is an institutional necessity for WABC to leverage its property with a mission-compatible use. (FF 50-52, 87.)

Public Good Flexibility

47. Generally, an applicant’s desire to utilize property for a certain use is not by itself deemed sufficient to create an extraordinary or exceptional situation or condition under the zoning regulations, *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540 (D.C. 1972), but subsequent decisions modified *Palmer*, permitting the Board to weigh more fully the equities in an individual case. *National Black Child Development Institute, Inc. (“NBCDI”) v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984) citing *DeAzcarate v. District of Columbia Board of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978); *Clerics of St. Viator, Inc. v. District of Columbia Board of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974).

BZA APPLICATION NO. 19823

PAGE NO. 24

48. The Board may consider the property owner’s needs in finding an “exceptional situation or condition” when the applicant is a non-profit organization devoted to public service which seeks to upgrade and expand its existing inadequate facilities. *Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091, 1098 (D.C. 1979) (“...the BZA may be more flexible when it assesses a non-profit organization...public need for the use is an important factor in granting or denying a variance” (internal citation omitted)).
49. In applying for an area variance, a public service organization must show:
- i. that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options; and
 - ii. precisely how the needed design features require the specific variance sought. *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 1256 (D.C. 1987)
50. This additional flexibility is not limited to expansions of existing uses, but can also apply to new uses provided the use is for a public good:
- “...when a non-profit organization applies for a variance as being necessary to enable it to meet a public need or serve the public interest without undue burden, the BZA has discretion to take the public benefit into account in assessing whether the requirements for a variance are met (including the existence of an exceptional condition affecting the property), regardless of whether the applicant seeks to expand or continue an existing, authorized use, or to add or substitute a new use of the property in question.”
- Neighbors for Responsive Government, LLC v. District of Columbia Board of Zoning Adjustment*, 195 A.3d 35, 59 (D.C. 2018)
51. The Board concludes that while the Application satisfied the first variance prong – an exceptional condition – the Application, in the alternative, also qualifies for public good flexibility. The Building promotes a public good in both the continuation of the existing church and the establishment of the CCRC use. The Board finds that the Applicants have demonstrated that there is a public need for more facilities to address the rising population of seniors in the District and that the CCRC is likely to draw the majority of its residents from the surrounding communities and is therefore eligible for flexibility. (FF 53-54, 68-69, 88-89, 91.)
52. The Board also concludes that the Applicants have satisfied the two-prong test from *Draude*. Regarding the first prong, the Board finds that the Applicants have provided sufficient evidence that the partnership with Sunrise to construct the Building was the only viable way in which WABC could continue to operate on the Property. (FF 50-52, 86.) The Board also notes that the Applicants have demonstrated that the CCRC will also serve a public need in the community. (FF 53-54, 68-69, 88-89, 91.) Regarding the

second prong, the Board finds that the requested variances from the regulations on the number of stories, lot occupancy, and side yard are required for the CCRC use, and therefore, the partnership between WABC and Sunrise, to be economically viable. (FF 55-57, 66, 88-90.)

53. In reaching these conclusions, the Board credits the findings of the OP and DCOA Reports, as well as the Applicants' analysis, which noted the growing population of adults aged 65 and older. In particular, the Board notes that Ward 3, is experiencing some of the highest growth in the District for this demographic. (FF 53-54, 68-69, 88-89, 91.) As such the Board concludes that the CCRC would be a benefit to the public good as it would allow elderly residents to age in their community, which is consistent with the Zoning Regulations' intent for the R Districts. (FF 53-54; Subtitle D § 100.2.)
54. The Board finds that WABC needed a partner to survive on the Property and continue to serve its mission in the Community. WABC chose to partner with Sunrise because it determined that the CCRC use was mission compatible with that of the church because the CCRC would also provide a much-needed public benefit in the form of senior residences. (FF 50-54, 68-69, 89, 91.) In reaching this conclusion, the Board concurs with the OP Report, which found that "[granting] the requested increase in lot occupancy and number of stories, and the reduced side yard adjacent to the NPS land would allow the church to continue to fulfill its mandate, and provide a needed option for seniors residences." Therefore, the Board is not persuaded by the Party Opponents' arguments that the flexible standard offered to non-profit, public service organizations should not apply to this application because Sunrise is a for-profit organization and WABC will occupy only a small portion of the Building.

Practical Difficulties

55. The Board concludes that strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the Applicants by precluding the construction of the Building on the Property thereby hindering WABC's ability to continue to operate from its historic location.
56. Regarding the relief from the number of stories, the Board finds that a building limited to number of stories permitted for non-church buildings as a matter of right would not be economically viable and would not permit WABC to partner with Sunrise and thereby leverage the Property's value in a way that benefits WABC and the community. (FF 55-57, 90.)
57. Regarding the relief from the lot occupancy, the Board also finds that efforts to meet the 40% lot occupancy limit for non-religious buildings would reduce the unit size below functional standards for CCRC and would result in the loss of not just one unit, but tiers of units or the elimination of the double-loaded corridor. This would also affect the economic viability of the proposed partnership between WABC and Sunrise. (FF 55-57, 90.)

58. The Board credits the testimony of Philip Kroskin and Alice Katz that any reduction to the number of stories or the lot occupancy would force a reduction in the number of units that the CCRC could provide. The proposed structure would offer 86 CCRC units, and the Applicants have provided uncontroverted testimony that a minimum of 85 units must be provided for financial viability. (FF 88-90; Nov. 14 Tr. at 337-38 and 353-57.)
59. Regarding the requested side yard relief, the Board concurs with the findings of the OP Report that the irregular shape of the lot and the Applicants' desire to provide underground parking and the greatest buffer for the neighbors to the east create practical difficulties for the Applicants. (FF 65-66; Ex. 90.)

No Substantial Detriment to the Public Good

60. The Board concludes that approval of the requested variance relief will not result in substantial detriment to the public good. As previously discussed, the proposed CCRC use satisfies the requirements for special exception approval, such that the use is consistent with the Zoning Regulations and is located and designed so that it is not likely to become objectionable to neighboring property because of noise, traffic, or other objectionable conditions. (FF 59-60, 64, 66, 70.)
61. Regarding both the number of stories and lot occupancy relief, the Board concurs with the findings of the OP Report which noted that that building on the property line adjacent to the NPS land allows for a larger side yard with landscaping and fencing adjacent to the residences to the east, which minimizes potential impacts of the larger building. (FF 65-66.)
62. Regarding the side yard relief, the Board concludes that the configuration of the lot allows the setbacks to be effectively shifted from one side of the Property to the other, and more of the lot to be occupied, without an impact on the appearance of open space, light and air as the NPS Lot will remain open. Therefore, the lack of side yard on the western property line will not result in a substantial detriment. (FF 34.)
63. The Board also notes that the Applicants are proposing numerous landscaping improvements to the NPS Lot. This will not only further help mitigate the visual impacts of the Building but will also allow the NPS Lot to serve as a park space for neighboring residents, thereby benefiting the public good. (FF 34.)

No Substantial Impairment of the Zone Plan

64. The Board concludes that approval of the requested variances from the number of stories and lot occupancy requirements will not result in substantial impairment of the zone plan. The Board notes that while the project will exceed the permitted number of stories by one story, the Building will still be within the maximum permitted height of 40 feet. Further, the Building will also be under the matter-of-right lot occupancy permitted for a church. On this point, the Board credits the OP Report and the testimony

of Mr. Altman that a church built to maximum matter-of-right standards would result in a much larger building than what is proposed. (FF 66, 92.)

65. With regards to lot occupancy, the Board notes that the Applicant is reducing the impact of the larger building on the surrounding residential properties by providing compliant side yards on three sides of the Building, and as explained further below, is utilizing the existing NPS Lot as a buffer on the fourth. (FF 34.)
66. Regarding the side yard, the Board concludes that the condition of the NPS Lot will provide the visual effect of the required side yard, thereby meeting the intent of the Zoning Regulations. (FF 34.)
67. The Board does not find convincing the Party Opponents' argument that granting the area variances will have an undue effect in terms of density on the neighborhood and "equate to a rewrite of zoning in an R-1-B single family detached low density neighborhood conservation area." (Nov. 14 Tr. at 419 and 430.) The Board has concluded that the Property is affected by a unique condition, not applicable to other properties in the surrounding area, which hinders its ability to comply with the Zoning Regulations. As such the granting of the requested area variances addresses the Property's unique condition and does not effectively "rezone" the surrounding area. (FF 8, 9, 12-14, 50-52, 87.)

Additional Contested Issues

68. The Board is not persuaded by the Party Opponents arguments that the provided setbacks are insufficient or that the presence of the driveway within the setback defeats the purpose of the setback. (FF 97.) The Board notes that setbacks govern the distance between a *building* and a street lot line and are therefore not applicable to driveways. (Subtitle B § 100.) Further, the Board notes that the Applicant is providing compliant side yards, with the exception of the side yard adjacent to the NPS Lot. However, as discussed above, the Board concludes that the configuration and proposed landscaping of the NPS Lot will allow it to serve the purpose intended by the side yard requirements of ensuring light and air around buildings. (FF 34.)
69. The Board is not persuaded by the Party Opponents' argument that the proposed 70-foot steeple exceeds the maximum permitted height of the R-1-B District. (FF 81(j).) The Board notes that Subtitle D § 207.2 specifically provides that "a spire, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located." A steeple clearly falls within this category of architectural embellishments that may exceed the R-1-B height limits. (FF 23.)
70. The Board is not persuaded by Party Opponents' concern that the Applicants would not meet all other zoning requirements, specifically the requirements for pervious surface and the slope of the driveway ramp. (FF 81(j).) The Board notes

that the Applicants are only entitled to the relief from the Zoning Regulations granted to them by this Order and are required to meet all other requirements under the Zoning Regulations. If any additional zoning relief is needed, the Applicants will have to file a new application to the Board or revise the project to meet the requirements for areas where relief has not already been granted.

“Great Weight” to the Recommendations of OP

71. The Board must give “great weight” to the recommendations of OP under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04); *see* Subtitle Y § 405.8.)
72. For the foregoing reasons, the Board finds OP’s analysis and recommendation of approval persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

73. 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); *see* Subtitle Y § 406.2.) To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
74. The Board notes that the ANC Report indicated that its issues and concerns had been addressed by the MOU, certain portions of which are included in this order as agreed to by the Applicants. Therefore, the Board concludes that the ANC has no outstanding issues or concerns that must be further addressed. The Board notes that the ANC Report supported the Application and concurs in that judgement. (Exhibits 119, 119A; FF 77.)

DECISION

In consideration of the case record, the Findings of Fact and Conclusions of Law, and, the Board concludes that the Applicants have satisfied the burden of proof for the following requested relief:

- Special exception for a CCRC use pursuant to Subtitle U § 203.1(f);
- Special exception under Subtitle C § 1402 from the retaining wall requirements of Subtitle C § 1401.3(c);
- Area variance from the height limitations of Subtitle D § 303.1;
- Area variance from the lot occupancy requirements of Subtitle D § 304.1; and

BZA APPLICATION NO. 19823

PAGE NO. 29

- Area variance from the side yard requirements of Subtitle D § 307.1.

The Board, therefore, **ORDERS** that the Application is **GRANTED**, subject to the following **CONDITIONS**:

1. The Building shall be constructed in accordance with the Approved Plans, dated October 24, 2018. (Ex. 69E1 and 69E2),⁴ as required by Subtitle Y §§ 604.9 and 604.10.
2. All lighting on the roof deck shall be down lit.
3. Amplified music on the roof deck shall not be permitted.
4. The Applicants shall abide by the following Transportation Demand Management (“TDM”) Plan and Loading Management Plan as proposed in the October 8, 2018, Comprehensive Transportation Review study prepared by Gorove/Slade Associates (Ex. 41, 52-52A):

Transportation Demand Management Plan

- a. The Applicants will identify TDM Leaders (for planning, construction, and operations). The TDM Leaders will work with employees in the development to distribute and market various transportation alternatives and options.
- b. The Applicants will work with DDOT and goDCgo (DDOT’s TDM program) to implement TDM measures at the proposed development.
- c. The Applicants will share the full contact information of the TDM Leader for the proposed development with DDOT and goDCgo.
- d. The Applicants will meet ZR16 Zoning requirements to provide bicycle parking facilities at the proposed development. This includes a minimum of 30 secure long-term parking spaces located within the buildings of the proposed development and a minimum of 12 short-term bicycle parking spaces around the perimeter of the buildings (in the form of bicycle racks).
- e. The Applicants will install a Transportation Information Center Display (kiosk) containing materials related to local transportation alternatives and maintain a stock of materials at all times.

⁴ Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibit 5.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any such application that would require additional or different zoning relief from that is granted by this Order.

- f. The Applicants will provide information on alternative parking locations for Church attendees and Sunrise visitors on its website, instructing drivers to park in on-street meters and/or nearby parking garages and not in residential spaces. This information will be sent to attendees of any events on site.

Loading Management Plan

- a. A loading manager will be designated by the property management for the site.
 - b. All tenants, Sunrise operations, and the Church must schedule move-ins/move-outs with the loading manager.
 - c. The hours of operation for the loading dock will be limited to 8:00 am to 6:00 pm.
 - d. The loading manager will schedule deliveries such that loading capacity is not exceeded. If an unscheduled delivery vehicle arrives while the loading area is full, that driver will be directed to return at a later time so as not to impede traffic flow.
 - e. Building management will be responsible for disseminating routing information, particularly as it relates to large trucks (e.g. 30-foot box trucks or trash trucks).
 - f. Trucks using the loading docks will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicles Operation document, and the primary access routes listed in the DDOT Truck and Bus Route System.
 - g. The loading managers will be responsible for disseminating DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT’s truck routes. The loading managers will also post these documents in a prominent location within the service areas.
5. The Applicants shall abide by the provisions (and the subparts contained within those provisions), agreed to in the Memorandum of Understanding reached between WABC, Sunrise Senior Living, and ANC 3E (Ex. 119A) titled:
 - a. PARKING;
 - b. LIMITS ON THE INTENSITY OF USE OF THE BUILDING;
 - c. BUILDING OPERATIONS;
 - d. OTHER DESIGN AND TRANSPORTATION MEASURES; and

e. TRANSPORTATION MITIGATION EFFORTS.

VOTE (Feb. 6, 2019): 4-0-1 (Frederick L. Hill, Lorna L. John, Robert E. Miller, and Lesylleé M. White to **APPROVE**; Carlton E. Hart not 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: February 14, 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 APPLICANTS FILE PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANTS FILE 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, 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

BZA APPLICATION NO. 19823

PAGE NO. 32

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.

**BZA APPLICATION NO. 19823
PAGE NO. 33**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19918 of Solo Entertainment LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, with a waiver from the rear addition requirements from Subtitle E § 320.2(e), to convert an existing principal dwelling unit in a row building to a three-unit apartment house and construct a third story and a three-story rear addition to in the RF-1 Zone at premises 4521 Iowa Avenue, N.W. (Square 2918, Lot 78).

HEARING DATES: February 13 and 27, and March 27, 2019
DECISION DATE: March 27, 2019

DECISION AND ORDER

On November 6, 2018, Solo Entertainment LLC, the owner of the subject premises (the “**Applicant**”) submitted an application (the “**Application**”) requesting that the Board of Zoning Adjustment (the “**Board**”) for the following relief from the requirements of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “**Zoning Regulations**,” to which all references herein are made unless otherwise specified):

- a special exception under Subtitle E § 320.2(e) to convert an existing principal dwelling unit to a three-unit apartment house with a third story and rear addition on Lot 78 in Square 2918 with an address of 4521 Iowa Avenue, N.W. (the “**Property**”) in the RF-1 zone. Following a public hearing, 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 sent notice of the Application and of the public hearing on December 28, 2018 to
 - the Applicant;
 - the Advisory Neighborhood Commission (“**ANC**”) 4C, the “affected ANC” per Subtitle Y § 101.8; the single-member district ANC 4C03, and the Office of ANCs;
 - the Office of Planning (“**OP**”);
 - the District Department of Transportation (“**DDOT**”);
 - the Councilmember for Ward 4, the Chairman of the Council, and the At-Large Councilmembers; and
 - the owners of all property within 200 feet of the Property.¹

¹ Although the notices and referrals were timely sent on December 28, 2018, they were not uploaded as exhibits in the public record until February 19, 2019.

The notice of the public hearing was published in the *D.C. Register* on December 21, 2018. (65 DCR 13749.)

Parties

2. The Applicant and ANC 4C were automatically parties in this proceeding per Subtitle Y § 403.5. The Board received no requests for party status.

The Property

3. The Property has a lot area of 2,700 square feet. (Exhibit [“Ex.”] 2.)
4. The Property is bounded to the west by Iowa Street, N.W., on the north by 4523 Iowa Avenue, N.W. (the “**North Abutting Property**”), on the east by an alley (the “**Alley**”), and on the south by 4519 Iowa Avenue, N.W. (the “**South Abutting Property**,” and with the North Abutting Property, the “**Abutting Properties**”).
5. The Property is currently improved with a two-story plus cellar one-family row dwelling (the “**Building**”) that has a height of 23 feet and 7 inches.
6. The Building currently occupies 29% of the Property.
7. The Building currently has a rear yard of 75 feet and 4.5 inches.
8. There are no existing solar energy systems on the Abutting Properties. (Ex. 7.)
9. The Property is zoned RF-1.
10. The purposes of the RF-1 zone are to:
 - (a) *Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;*
 - (b) *Allow for limited compatible non-residential uses;*
 - (c) *Allow for the matter-of-right development of existing lots of record;*
 - (d) *Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;*
 - (e) *Allow for the limited conversion of rowhouse and other structures for flats; and*
 - (f) *Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.*(Subtitle E § 100.3.)

The Application

11. The Applicant proposes to convert the existing principal dwelling unit in a row building into three residential units and to construct a third-story and 20-foot rear addition to the Building (the “**Addition**”).

12. The Addition would increase the height of the Building to 35 feet.
13. The Application will maintain the original mansard roof of the Building facing Iowa Avenue, N.W. and does not propose the removal or alteration of any roof top architectural elements on that roof.
14. The new roof of the Addition's third story will be set back four feet from the original roof, limiting the visibility of the Addition from Iowa Avenue. (Ex. 21A, p. 12.)
15. The Addition would be visible from the Alley at the rear of the Property.
16. The Addition will not block or impede any existing chimneys or vents on the buildings on the Abutting Properties. (Ex. 7.)
17. The Addition would extend 20 feet beyond the rear walls of both Abutting Properties.
18. The Addition would increase the lot occupancy of the Property to 50%.
19. The Addition will provide a 55-foot rear yard.
20. The Applicant submitted an initial shadow study (Ex. 21A), and a supplemental shadow study (Ex. 44C), that illustrated the impact of the Addition on the light and air available to neighboring properties by comparing the difference between the shadows cast by the proposed 20-foot rear addition and those cast by a 10-foot rear addition, which is permitted under Subtitle U § 320.2(e). The shadow study shows that the Addition will increase shadowing on the North Abutting Property in the morning and noon, with the most significant increase in December, while the Addition will increase shadowing on the South Abutting Property in the afternoon, with the most significant increase in June, with some additional shadowing in March and September.
21. The Addition will not have any windows facing the Abutting Properties.
22. The Application proposes balconies on the rear of each floor with solid parapets on the north and south sides facing Abutting Properties.
23. The Applicant proposes to provide two off-street parking spaces at the rear of the Property, accessible from the Alley.
24. The Applicant will provide insurance to adjacent property owners to protect adjacent properties in the event of damage during construction of the Addition.

25. At the Board's request, the Applicant submitted updated shadow studies, views of the Addition from Iowa Street and from the Alley, and elevations and plans for an alternative Addition with a reduced third floor. (Ex. 44-44C.)

Zoning Relief Requested

26. The Applicant requests a special exception under the residential conversion requirements of Subtitle U § 320.2, with a waiver from the rear addition requirements of Subtitle U § 320.2(e), to construct the Addition and convert the Building into a three-unit apartment house.

OP Report

27. OP submitted a February 15, 2019, report (the "**OP Report**," Ex. 22) that analyzed the Application's compliance with the requirements of the requested special exception relief and waiver. The OP Report concluded that the Application had satisfied all of the criteria for the requested special exception and waiver. OP reiterated its support of the Application in its testimony at the February 27, 2019, public hearing.

DDOT Report

28. DDOT submitted a February 1, 2019, report (the "**DDOT Report**," Ex. 17) that concluded that the Application will not have adverse impacts on the District's transportation network. The DDOT Report stated that DDOT had no objection to the approval of the Application.

Persons in Opposition

29. Owners of three nearby properties, including one adjacent property owner, submitted letters in opposition to the Application. The owner of the North Abutting Property raised concerns about the impacts of the Addition on the enjoyment of her property, the disruption of the pattern of buildings along Iowa Avenue, and availability of sunlight and airflow onto her property. (Ex. 38.) Owners of the nearby properties at 4509 Iowa Avenue, N.W., and 4517 Iowa Avenue, N.W., also raised concerns about the potential for safety- and construction-related damage to neighboring properties, lack of parking, and the overburdening of storm water and sewage systems. (Ex. 37 and 39.)
30. At the hearing on February 27, 2019, five neighbors testified in opposition to the Application, including the owner of the North Abutting Property, citing concerns of the Addition's impacts on light, air, and privacy to neighboring properties. (Hearing Transcript of February 27, 2019 [**Feb. 27 Tr.**] at 172-188.)

Persons in Support

31. The owner of the South Abutting Property submitted a letter in support of the Application, stating both that he appreciates that the existing character of the building and neighborhood will be maintained and that it is unlikely that he will experience any substantial negative effect from the Addition. (Ex. 42.)

ANC Report

32. ANC 4C submitted a written report indicating that at a duly noticed public meeting with a quorum present, the ANC voted to oppose the Application (the “ANC Report,” Ex. 19, 23). The ANC Report cited the following concerns:
- the Addition would negatively impact the use and enjoyment of adjacent properties,
 - the Addition would have an undue impact on light and air available on nearby properties, and
 - the Addition would be a substantial visual intrusion upon the character, scale, and pattern of houses along Iowa Street and the Alley.
33. The ANC Report authorized the Single Member District Commissioner for 4C03, Ulysses Campbell, to represent the ANC before the Board.

CONCLUSIONS OF LAW

1. Section 8 of the Zoning Act, 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
 - (i) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,
 - (ii) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and
 - (iii) complies with the special conditions specified in the Zoning Regulations.
2. 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)).

Special Exception Requirements of Subtitle U § 320.2

3. For the relief requested, the Applicant must meet the “specific conditions” of Subtitle U § 320.2(a)-(j), provided that the Board may modify or waive not more than three of the requirements specified in Subtitle U §§ 320.2(e) through 320.2(h), as long as the grant of any modification or waiver would not conflict with Subtitle U § 320.2(i). (Subtitle U § 320.2(l).)
4. The Board concludes that the Application meets the conditions of Subtitle U § 320.2, including the proposed waiver from Subtitle U § 320.2(e), which the Board concludes would not conflict with Subtitle U § 320.2(i), for the following reasons:

BZA APPLICATION NO. 19918**PAGE NO. 5**

U-320.2(a) - The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft) provided the additional five feet (5 ft) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);

5. Based on the elevations provided, the Board concludes that the Addition would not exceed 35 feet in height. (Ex. 44C.)

U-320.2(b) - The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;

6. As the Application proposes a three-unit apartment house, the Board determines that the Inclusionary Zoning set-aside requirement is not applicable in this case. (Ex. 3.)

U-320.2(c) - There must be an existing residential building on the property at the time of filing an application for a building permit;

7. The Board concludes that this requirement is met, as the Property is currently improved with an attached residential building. (Ex. 44C.)

U-320.2(d) - There shall be a minimum of nine hundred square feet (900 sq. ft) of land area per dwelling unit;

8. Based on the computations provided by the Applicant, the Board concludes that this requirement is met, as the Property has a lot area of 2,700 square feet. (Ex. 2.)

U-320.2(e) - An addition shall not extend farther than ten feet (10 ft) past the farthest rear wall of any adjoining principal residential building on any adjacent property;

9. As demonstrated in the plans, the Applicant proposes that the Addition extend 20 feet past the farthest rear wall of the adjoining principal residential building on the Abutting Properties. (Ex. 44C.) Accordingly, the Applicant is requesting a waiver from Subtitle U § 320.2(e), pursuant to Subtitle U § 320.2(l). Under this provision, any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i). The Board concludes that the granting the waiver would not be in conflict with Subtitle U § 320.2(i), as discussed below.

U-320.2(f) - Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external

vent must be existing and operative at the date of the building permit application for the addition;

10. The Board concludes that the proposed addition will not block or impede the function of a chimney or other external vent on the Abutting Properties based on the plans provided by the Applicant and since the owners of the Abutting Properties did not raise this issue in their submissions or testimony. (Ex. 44C.)

U-320.2(g) - Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:

- (1) *“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and*
- (2) *“Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:*
 - (A) *Legally permitted, installed, and operating; or*
 - (B) *Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;*

11. As there are no existing solar energy systems on adjacent properties, the Board concludes that the Application would not interfere with an existing solar energy system. (Feb. 27 Tr. at 140; Ex. 7.)

U-320.2(h) - A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure’s rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;

12. The Board concludes that the requirement is met, as the original mansard roof of the front façade will remain and the third-floor addition will be set back four feet from the original roof line. (Ex. 44C.)

U-320.2(i) - Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to neighboring properties shall not be unduly affected;

13. The Board concludes that the shadowing does not have a substantially adverse effect on the adjacent properties because the increased shadows caused by the Addition's 20-foot rear extension, when compared to those cast by a 10-foot rear extension, are marginal because of the Building's location on the south of the Property. This south-facing orientation of the existing Building inevitably casts long shadows behind the row of buildings. Nonetheless, the Addition will retain a 55-foot rear yard allowing for significant airflow to neighboring properties and allowing neighboring properties to receive sunlight on their properties and in their dwellings throughout the year. The Board therefore did not find persuasive the concerns of the ANC and neighbors that the Addition would block sunlight from coming onto neighboring properties, interfere with their gardens and impact the overall enjoyment of their yards and dwellings.

(2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and

14. The Board concludes that the Addition does not unduly compromise the privacy and enjoyment of neighboring properties because the Addition will have no windows on the north or south sides, thus preventing invasions of privacy of neighboring residents. The rear balconies' narrow size and solid parapets on the north and south sides limit the view of adjacent properties from the balconies and so maintain the privacy of the neighboring properties. Therefore, the Board was not convinced by the concerns of the ANC and neighboring property owners of the potential privacy implications of the Addition.

(3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;

15. The Board considered the concerns expressed by the ANC and residents of Iowa Avenue that the Addition would interrupt the uniform pattern of buildings along the street and disrupt the residential character of the neighborhood, and requested that the Applicant submit additional studies and drawings of the view along Iowa Street to understand the impact of the addition on the pattern of houses, as well as additional information about the view from the rear of the building.

16. Based on the supplemental filings, the Board concludes that the Addition will not substantially visually intrude upon the character and pattern of the houses along Iowa Street because the new third story is set back four feet from the front façade and slopes backward to the rear of the house, thus minimizing its visibility from the Iowa Street. The

BZA APPLICATION NO. 19918

PAGE NO. 8

Board also concludes that the Addition will not substantially intrude upon the visual character and pattern of these houses as viewed from the Alley, despite it being visible, because it is similar to an existing property on the block with a 20-foot rear addition.

General Special Exception Standards of Subtitle X § 901.2

17. Pursuant to Subtitle X § 901.2(a), the Board concludes that granting the requested special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the Application is consistent with the purposes of the RF zones to allow "... improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city." (Subtitle E § 100.3(a).) The Application would allow for the introduction of additional housing units to the District's housing supply, while maintaining the residential character of the neighborhood.
18. Pursuant to Subtitle X § 901.2(b), the Board concludes that the requested special exception would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps because the impacts of the conversion and Addition on the air, light, privacy, and character of the neighborhood are unlikely to be significant, as discussed above with regards to Subtitle U § 320.2(i). The Board did not find persuasive the neighbors' concerns about the Addition's potential reduction of the sight line between neighbors along the Alley given the large rear yard proposed to be maintained on the Property. The Board is not convinced by the neighbors' concerns about the potential impact on the sewer and storm water systems given that the Application proposes only one additional dwelling unit over the two permitted as a matter of right and notes that other government agencies have jurisdiction over these water systems. (Ex. 37.)
19. Pursuant to Subtitle § 901.2(c), the Board concludes that the requested special exception would meet the specific conditions of Subtitle U § 320.2 as discussed above.

"Great Weight" to OP

20. The Board is required to give "great weight" to the recommendation of OP pursuant to Pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8.) *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).
21. The Board found the OP Report, which provided in-depth analysis of how the Application met the requirements and standards of the requested special exception, persuasive in its recommendation to approve the Application and concurred in that judgement.

“Great Weight” to the ANC Report’s Issues and Concerns

22. 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.) To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).
23. The Board considered the ANC Report’s issues and concerns, and in response requested the Applicant to submit additional shadow studies and views from the Alley, as well as elevations and plans for a reduced third story. The Board does not find the ANC Report’s concerns persuasive, since, as explained above,
- the shadow studies indicate limited, and so not undue, impacts on the light and air to neighboring properties;
 - the Addition will have no windows on the side walls facing the adjacent neighbors and the rear balconies will have solid parapets on the sides facing the adjacent neighbors, so that the Addition will not unduly compromise the privacy of use and enjoyment of the neighboring properties; and
 - the existing mansard roof of the front façade will be retained with the roof of the new third story setback so as to minimize its visibility from Iowa Avenue, while the Addition in the rear resembles the rear façade of a neighboring building and so will not visually intrude on the view from the Alley.

As discussed above, the Board concluded that the Application satisfied the special exception criteria and was therefore not persuaded by the ANC’s issues or its recommendation to deny the Application.

DECISION

Based on the record, the testimony at the public hearing, and the Findings of Fact and Conclusions of Law in this Order, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for

- a special exception under the residential conversion requirements of Subtitle U § 320.2, together with a waiver from the rear addition requirements from Subtitle U § 320.2(e),

and, therefore, orders that this relief be **GRANTED**, subject to the following **CONDITION**:

BZA APPLICATION NO. 19918

PAGE NO. 10

1. Development of the Property that uses the relief granted in this Order shall comply with the approved plans² at pages 7-11 of Exhibit 44C, as required by Subtitle Y §§ 604.9 and 604.10.

VOTE (March 27, 2019): 4-1-0 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Lesylleé M. White to **APPROVE**; Robert E. Miller **OPPOSED**).

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: February 14, 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

² Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Ex. 2.) In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any such application that would require additional or different zoning relief from that is granted by this Order.

APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20188 of 609 Upshur LLC, pursuant to 11 DCMR Subtitle X, Chapter 9 for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a three-story rear addition and convert the existing principal dwelling unit to a three-unit apartment house in the RF-1 Zone at premises 609 Upshur Street, N.W. (Square 3226, Lot 70).

HEARING DATE: February 5, 2020

DECISION DATE: February 5, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 12 (Revised); Exhibit 5 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4C.

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 10-0-0 to support the application, subject to the Applicant's agreement to certain conditions with regard to general construction issues, environmental issues, safety concerns and neighborhood improvement requests. (Exhibit 27.) The Board did not adopt the agreement as conditions for this order, as they pertained to issues and concerns outside Board's jurisdiction; however, the Board expected the Applicant to uphold its agreement and work with the ANC. The Advisory Neighborhood Commissioner for ANC 4C07, Kim Varzi, testified in support of the application.

OP Report. The Office of Planning submitted a report, dated January 24, 2020, recommending approval of the application. (Exhibit 29.)

DDOT Report. The District Department of Transportation submitted a report, dated January 21, 2020, indicating that it had no objection to the application. (Exhibit 28.)

Persons in Support. The Board received letters of support for the application from Toni Kearns of 607 Upshur Street, N.W. and Joseph Walker of 611 Upshur Street, N.W. (Exhibit 8.)

Persons in Opposition. The Board received a letter in opposition to the application from Katherine Gordon of 4208 New Hampshire Avenue, N.W. (Exhibit 32.) An adjacent neighbor, Kathy O'Hanlon of 605 Upshur Street, N.W. testified in opposition to the application.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a three-story rear addition and convert the existing principal dwelling unit to a three-unit apartment house 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 PLANS¹ AT EXHIBIT 2.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Peter G. May 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: February 14, 2020

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

¹Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20199 of Robert William Pilkington and Peling Li, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the side yard requirements of Subtitle E § 207.4, and under Subtitle E §§ 206.2 and 5203.3 from the roof top architectural element requirements of Subtitle E § 206.1(a), to remove the existing architectural rooftop element and to expand the building to eliminate the side yard and convert the principal dwelling unit to a flat in the RF-1 Zone at premises 1026 4th Street, N.E. (Square 774, Lot 34).

HEARING DATE: February 12, 2020

DECISION DATE: February 12, 2020

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6C.

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 5-1 to support the application. (Exhibit 42.) The ANC raised the concern that the level of work was so extensive as to constitute a raze, triggering the Zoning requirements for new construction. However, the ANC did not have sufficient information to opine definitively on whether or not the proposal was in fact a raze. The Board raised the issue with the Applicant during the public hearing, but ultimately concluded that the Zoning Administrator would need to make a determination during the permitting process as to whether the proposal constituted a raze and whether additional zoning relief is required.

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 41.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 40.)

Persons in Support. Eight letters were submitted into the record expressing support for the application. (Exhibits 28-35.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the side yard requirements of Subtitle E § 207.4, and under Subtitle E §§ 206.2 and 5203.3 from the roof top architectural element requirements of Subtitle E § 206.1(a), to remove the existing architectural rooftop element and to expand the building to eliminate the side yard and convert the principal dwelling unit to a flat 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 PLANS¹ AT EXHIBIT 38 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **3-0-2** (Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE;
no other Board members participating).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 13, 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

¹ 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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 16-13F**

Z.C. Case No. 16-13F

JS Congress Holdings, LLC

**(Modification of Consequence to the Consolidated PUD @ Square 748, Lots 78 and 819
[220 L Street, N.E. & 1109-1115 Congress Street, N.E.]**

January 27, 2020

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held public meetings on January 13, 2020 and January 27, 2020, to consider an application (the “Application”) by JS Congress Holdings, LLC (the “Applicant”) for a modification of consequence to change Condition B.2 of Z.C. Order No. 16-13 (the “16-13 Order”) that approved a consolidated planned unit development (“PUD”) for the property at 220 L Street, N.E., and 1109-1115 Congress Street, N.E., and more particularly identified as Lots 78 and 819 in Square 748 (the “Property”). The Commission considered the Application pursuant to Subtitle Z, Chapter 7, of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations” to which all references refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. By the 16-13 Order, the Commission approved a consolidated PUD for the Property (the “Approved PUD”).
2. Condition No. B.2 of the 16-13 Order required the Applicant, *inter alia*, to pay D.C. Habitat for Humanity (“Habitat”) \$625,000 (the “Habitat payment”) by October 31, 2017 to construct off-site affordable housing as a part of the affordable housing provided pursuant to the PUD approved by the 16-13 Order.
3. In Z.C. Order No. 16-13A, the Commission approved a revision to Condition No. A.4 of the 16-13 Order to clarify the flexibility granted the Applicant to exceed the maximum IZ off-site concentration to conform with the plans approved by the 16-13 Order.
4. In Z.C. Order No. 16-13B, the Commission approved a revision to Condition No. B.2 of the 16-13 Order to extend the deadline for the Habitat payment to “no later than six months after a favorable resolution of the petition for review by the D.C. Court of Appeals (No. 17-AA-1048).”
5. In Z.C. Order No. 16-13C, the Commission approved a subsequent revision to Condition No. B.2 of the 16-13 Order, as modified by Z.C. Order 16-13B, to extend the deadline for the Habitat payment to December 18, 2018.
6. On December 20, 2018, the Applicant made an initial payment toward fulfillment of the Habitat payment in the form of an \$85,000 equity contribution to Habitat to assist in the

purchase of the property on which the off-site affordable housing would be constructed. (Exhibit [“Ex.”] 2A.)

7. In Z.C. Order No. 16-13D, the Commission approved another revision to Condition No. B.2 of the 16-13 Order, as modified by Z.C. Order 16-13C, to extend the deadline for the Habitat payment to June 30, 2019.
8. In Z.C. Order No. 16-13E, the Commission approved another revision to Condition No. B.2 of the 16-13 Order, as modified by Z.C. Order 16-13D, to extend the deadline for the Habitat payment to December 31, 2019.

Parties

9. The only party to Z.C. Case No. 16-13 is Advisory Neighborhood Commission (“ANC”) 6C, which is the “affected ANC” as defined by Subtitle Z §101.8 as the Property is located within ANC 6C’s boundaries.¹

The Application

10. The Applicant filed the Application with the Commission on November 22, 2019, requesting a further revision of Condition No. B.2 of the 16-13 Order, as revised by Z.C. Order 16-13E, to extend the deadline for the Habitat payment to June 30, 2020.
11. The Application did not propose any other changes to the 16-13 Order or to the approved PUD plans.
12. The Applicant stated that difficulty obtaining construction financing from one lender led the Applicant to pursue financing from a new lender and that the Applicant anticipated being able to close on the loan quickly. (Ex. 2.)
13. The Applicant reported that it has received raze permit approval and has filed for sheeting and shoring, foundation to grade, and full building permits, in satisfaction of the December 27, 2019 deadline to file permit applications. (Ex. 2.)
14. The Applicant submitted a Certificate of Service attesting that it had served the Application on ANC 6C, its chair, the chair of the ANC’s Zoning Committee, and the Single Member District Commissioner for the Property on July 23, 2019. (Ex. 2.)

Responses to the Application

15. The Office of Planning (“OP”) submitted a report dated December 17, 2019 recommending that the Application qualified as a Modification of Consequence and that the Commission approve the Application. (Ex. 5.)
16. ANC 6C did not submit any response to the record.

¹ Although the Commission granted party status to a party in opposition, that party withdrew its request. (Ex. 53 in Z.C. Case No. 16-13.)

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make “modifications of consequence” to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle § 703.4 includes “a proposed change to a condition in the final order” as an example of a modification of consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6C.
5. The Commission concludes that the Application qualifies as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify a final condition, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission scheduled its consideration and decision on the Application for its January 27, 2019 public meeting in order to provide ANC 6C the opportunity to respond to the Application.
7. The Commission concludes that the proposed modification to Condition No. B.2 of the 16-13 Order requested in the Application is consistent with, and does not detract from or diminish, the Commission’s decision in the 16-13 Order because there have been no changes in material facts on which the Commission relied in approving the 16-13 Order and because the Applicant will still make the Habitat payment prior to the issuance of a building permit.

“Great Weight” to the Recommendations of OP

8. 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 Z § 405.8, the Commission must give “great weight” to the recommendations of OP. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016).)
9. The Commission notes OP’s lack of objection to the Application being considered as a modification of consequence and finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

“Great Weight” to the Written Report of the ANC

10. 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)) and Subtitle Z §406.2, the Commission must give “great weight” to the issues and concerns raised in the written

report of the affected ANC. 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. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)

11. As ANC6C did not file a written report to the record, there are no issues or concerns to which the Commission can give “great weight.”

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application’s request for a modification of consequence to Z.C. Order No. 16-13, as modified by Z.C. Order Nos. 16-13A through 16-13E, to modify Condition No. B.2 as follows (deletions in ~~bold and strikethrough~~; additions in **bold and underlined**):

- B.2. Prior to the issuance of a building permit, the Applicant shall provide proof to the Zoning Administrator that it has paid \$625,000 to D.C. Habitat for Humanity no later than ~~December 31, 2019~~ **June 30, 2020**, that D.C. Habitat for Humanity has the off-site housing location under its control, that each of the off-site units will consist of a minimum of 900 square feet and two bedrooms, and that the units will be constructed as single-family residences or flats.

All other conditions and provisions of Z.C. Order No. 16-13, as modified by Z.C. Order No. 16-13A, remain effective and unaltered.

VOTE (Jan. 27, 2020): 5-0-0 (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on February 28, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA**Z.C. ORDER NO. 18-20****Z.C. CASE NO. 18-20****Forest City SEFC, LLC on behalf of the United States General Services Administration
(Southeast Federal Center Zone Design Review at Square 744, Lot 807)****May 13, 2019**

At its properly noticed April 11, 2019 public hearing, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of Forest City SEFC, LLC (the “Applicant”) on behalf of the United States General Services Administration (“GSA”) for design review approval to construct a new mixed-use residential apartment building with ground-floor retail uses and two levels of below-grade parking (the “Project”) in the SEFC-1B zone on Lot 807 in Square 744, known as “Parcel I” in The Yards (“Parcel I”). The Applicant requested design review, as well as special exception relief under Subtitle C § 1502.1(c)(5) and variance relief from Subtitle K § 209.1 of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016 [the “Zoning Regulations”] to which all subsequent citations refer unless otherwise specified). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitles X and Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT**Notice**

1. On April 3, 2018, the Applicant mailed a Notice of Intent to file a design review application to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which Parcel I is located. (Exhibit [“Ex.”] 2D.) The Applicant also noted its intent to present the Project to ANC 6D. (*Id.*)
2. On October 12, 2018, the Applicant filed an application on behalf of GSA as the owner of Parcel I, for design review and approval of the Project pursuant to Subtitle K §§ 237.4, 241, and 242. (Ex. 2.) In addition, pursuant to Subtitle X § 603.3, the Applicant also requested:
 - Special exception relief under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(c)(5); and
 - Variance relief from the GAR requirements of Subtitle K § 209.1.
3. The Office of Zoning referred the Application to the National Capital Planning Commission (“NCPC”), and gave notice of the public hearing by publishing notice in the *D.C. Register* and by mail/electronic mail to:
 - ANC 6D;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Council of the District of Columbia (“D.C. Council”);
 - The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The Office of the Attorney General;
 - The Department of Energy and Environment (“DOEE”);

- The District of Columbia Housing Authority; and
- The owners of property within 200 feet of the Property.

(Ex. 6, 7, 10, 18.)

4. On December 17, 2018, the Applicant requested the public hearing, originally scheduled for January 10, 2019, be postponed until March 21, 2019, and on February 12, 2019, the Applicant requested a further postponement until April 11, 2019 due to delays in the federal review process for the Project resulting from the protracted federal government shutdown. (Ex. 9, 15.)
5. The Applicant provided evidence that notice of the public hearing was posted on the Property on January 31, 2019. (Ex. 14.)

Parties

6. Apart from the Applicant and the ANC, there were no other parties to this proceeding.

The Property

4. Parcel I is bounded by N Street, S.E. to the north, Canal Street, S.E. to the east, and N Place, S.E. to the south. (Ex. 2.)
5. Parcel I consists of approximately 55,041 square feet of land within the former Southeast Federal Center (“SEFC”) on a 42-acre site in the southeast D.C. neighborhood known as “Yards West” of “The Yards.” Parcel I occupies property owned by the federal government. (Ex. 2.)
6. The Applicant prepared a master plan (the “Master Plan”) for The Yards. GSA selected the Applicant as the master developer to implement the Master Plan. The Master Plan is organized around a central pedestrian-oriented spine leading from M Street, S.E. and a potential third entrance to the Navy Yard Metrorail station, south to Diamond Teague Park and the Anacostia River. Along this spine, 1½ Street is planned as a curbsless street that will run from Quander Street on the north to Potomac Avenue on the south. (Ex. 2.)
7. An entrance to the Navy Yard Metrorail station is located approximately two blocks north of the Property, and the Washington Nationals Baseball Park is located one block west of the site. To the south of the Property is the “F1 Parcel,” which has received approval for redevelopment as a 100-foot-tall building and parking structure pursuant to a planned unit development (“PUD”). Further to the south is the DC Water Headquarters, which has nearly finished construction pursuant to another PUD. Other parcels to the southwest, west, and north are approved for redevelopment pursuant to the SEFC zoning and first-stage PUD approvals that have been granted by the Commission. (Ex. 2.)
8. Parcel I will eventually be located on a single lot of record with Parcel H. The future 1½ Street will bound the Property to the west and will divide Parcel I from Parcel H. (Ex. 2) Parcels I and H are currently used for surface parking. (Ex. 19E.)

9. The Property is located in the SEFC-1B Zone. (*Id.*) In general, the SEFC zones are to “provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District of Columbia and beyond.” (Subtitle K § 200.1.)
10. The SEFC-1 zones generally:
 - ...provide for high-density mixed-use development with ground-floor retail, with bonus height and density (and related design review) for development proximate to the Navy Yard Metrorail Station and the proposed 1½ Street, and with review of the relationship of new buildings to the M Street, S.E. corridor and the adjacent Washington Navy Yard.

(Subtitle K § 200.3.)

The Application

11. The Project is a mixed-use, 10-story building with a habitable penthouse containing approximately 348 residential apartments, approximately 15,913 square feet of ground-floor retail uses, and two levels of below-grade parking with approximately 243 parking spaces. (Ex. 2, 19F, 24D, 25.)
12. The Project’s massing consists of a ground-level podium that is built out toward all street frontages, with a U-shaped building oriented on a double-loaded corridor above. The overall design of the Project allows the building to engage the pedestrian realm and provide ample light and air for residents on the upper stories. The Project’s primary materials consist of brick façades with punched windows atop a precast concrete and glass base. (Ex. 2.)
13. A one-story, double height “bridge” element at the eighth floor creates a signature amenity space within the upper levels of the Project and provides a visual connection to 1½ Street. (*Id.*)
14. The northwest stair tower, which is located adjacent to the main lobby, is intentionally located beyond the edge of the building so that it will be daylit by windows and serve as a meaningful alternative to the elevators for building residents. (*Id.*)
15. The Project’s central courtyard is surrounded by a glazed wall system that brings the landscaping into the building’s lobby and public areas. The Project also features other outdoor spaces for passive recreation, including the 10th floor terrace and individual outdoor spaces, such as terraces for the ground-level loft, second-floor courtyard, and penthouse units and balconies for units on each floor. (*Id.*)
16. The primary residential lobby is located along 1½ Street, and thereby encourages pedestrian activity on the planned new shared street that will define the new neighborhood. The Project’s ground-level, loft-style units, each with separate walk-up entrances, front on Canal Street, S.E. (*Id.*)

17. Vehicular access is from N Place, S.E., a two-block street segment that terminates at the D.C. Water Main Pumping Station and will feature significantly less pedestrian activity than other streets around Parcel I. (*Id.*)
18. Retail uses are focused along N Street, S.E., which serves as a pedestrian connection between the Ballpark District, Yards West, and the Historic Zone of The Yards to the east. The Project provides space for “Preferred Uses”¹ along the entirety of its N Street, S.E. frontage, and all such Preferred Use space complies with the requirements (i.e., with respect to height and window/door coverage) of the SEFC zone for Preferred Uses. (*Id.*)
19. The Project is elevated out of the 100-year floodplain and all habitable floors have been elevated out of the 500-year floodplain. However, the Project’s garage entrances are located along N Place, S.E., which happens to be the low point of the Property. Although the garage entrances are located above the 100-year base flood elevation, the entrances cannot be located above the 500-year base flood elevation because of existing grades. In the event of a severe flood event, the Project’s garage is designed to flood to counteract buoyancy and prevent the building from floating. (Ex. 2, 19.)
20. As part of the Project’s resiliency design, the building’s primary electrical switchgear room is located at a mezzanine level above the ground floor to protect it in a flood event. The building’s emergency switchgear and emergency generator are located in the penthouse. (*Id.*)
21. The Project will achieve a minimum of LEED Silver under the LEED v4 standard and will include solar panels on the rooftop. (*Id.*)
22. The Project also incorporates significant energy efficiency and energy conservation measures including high-efficiency VRF mechanical systems with programmable thermostats, Dedicated Outside Air Supply Units with energy recovery wheels, energy efficient LED lighting and controls with vacancy sensors in building common areas, high-performance thermally-broken glazing systems, and a high-performance building envelope. (*Id.*)
23. The Project includes landscape design features, including plantings within the central courtyard and the planted terrace on the second floor, that feature native river birch and flowering dogwood trees that emphasize the proximity to the riverfront. (*Id.*)
24. The Project has a maximum height of 110 feet, which is the maximum permitted height for Parcel I. (Subtitle K § 203.1.) The Project’s penthouse has a maximum height of 20 feet, as permitted in the SEFC-1B zone. (*Id.* § 203.4.)
25. The Project proposes to utilize the 1.0 floor area ratio (“FAR”) bonus density for residential use that is permitted in the SEFC-1B zone, for a maximum FAR of 7.0 based

¹ The term “Preferred Uses” is defined in Subtitle K § 236.1 and includes, among other uses, eating and drinking establishments, retail, and general service uses. (*See also, id.* §§ 236.2 and 237.5 (establishing dimensional requirements for Preferred Uses in the SEFC zones).)

- on the land area of Parcel I. (Subtitle K § 202.2(a).) The Project's use of the 1.0 FAR bonus density triggers the requirement for design review of Subtitle K § 237.4(a)(1)-(4).
26. As required by a development agreement with the District, 20% of the apartment units in the Project are reserved for households earning up to 50% of the median family income ("MFI"). Accordingly, the apartment units (including those in the penthouse) are expressly exempt from the inclusionary zoning requirements pursuant to Subtitle C § 1001.5(a)(6) and Subtitle K § 200.11. Moreover, the Project's affordable units include a minimum of 4,404 square feet of gross floor devoted to three-bedroom units, which is the equivalent of 8% of the 1.0 FAR bonus and in satisfaction of the requirements of Subtitle K §§ 202.2(b) and 237.4(a)(4).
27. The Project as designed complies with the other primary development standards in the SEFC-1B zone, including:
- a) The SEFC-1B zone permits a maximum habitable penthouse FAR of 0.4 (excluding area devoted to communal recreation space). (Subtitle K § 201.2.) The Project's habitable penthouse FAR is 0.39 (excluding area devoted to communal recreation space);
 - b) The SEFC-1B zone permits 100% lot occupancy for ground-floor non-residential uses and 75% lot occupancy for residential uses. (Subtitle K § 204.1.) The Project has a lot occupancy of 36% for all ground-floor uses, and 33% on the upper floors for residential uses only;
 - c) The SEFC-1B zone requires a rear yard of two and one-half inches per one foot of height or a minimum of twelve feet. (Subtitle K § 206.1.) The Project provides a 40-foot rear yard measured from the centerline of Canal Street, S.E.; and
 - d) The SEFC-1B zone does not have minimum vehicle parking requirements (Subtitle K § 200.10(a)); nevertheless, the Project provides two levels of below-ground parking with approximately 243 spaces and satisfies the bicycle parking and loading requirements of the SEFC-1B zone. (*Id.* § 200.10(b).)
28. The Project's penthouses comply with dimensional requirements except for one area of flexibility required with respect to the setback of the exposed stair tower. (Ex. 2, 19.)
29. The Project achieves the minimum GAR of 0.2 based on the area of Parcel I, but variance relief is required from the GAR requirements with respect to the record lot as a whole for Parcels I and H. (Ex. 2, 19.)
30. The DC Water Main Pumping Station is located immediately to the east of the Property, across the unbuilt right-of-way of Canal Street, S.E. DC Water has expressed concerns about the use of Canal Street for public vehicular traffic because of the large and sensitive sewer infrastructure beneath the right-of-way and because of its proximity to the Main Pumping Station. The Applicant, DC Water, DDOT, and the Deputy Mayor for

Planning and Economic Development have agreed that 12 feet of Canal Street's 80-foot right-of-way, adjacent to Parcel I, will be improved as a publicly accessible sidewalk. The remainder of the right-of-way will be occupied by DC Water as a part of its campus and public vehicular travel will not be allowed. (Ex. 2, 19.)

31. On November 27, 2018, the Applicant filed a Comprehensive Transportation Review ("CTR") for the Project. (Ex. 5.) The CTR concluded that the Project will not have a detrimental impact to the surrounding transportation network assuming the implementation of all planned site design elements, mitigation measures, and transportation demand management measures. (Ex. 5A.)
32. On March 22, 2019, the Applicant filed a supplemental statement with revised plans reflecting feedback from and discussions with the ANC, the federal agencies that reviewed the Project, OP, and DDOT. (Ex. 19.) The plan revisions included:
 - a) A reduction to the size of the bridge element and its amenity space;
 - b) Revision to the ground-level residential support space, allowing for retail uses in the southwest corner of the Project;
 - c) Changes to the building materials;
 - d) Enlargement of the window proportions to increase natural light in the residential units; and
 - e) Further development of the design of Canal Street, including moving street lighting and landscaping to the Applicant's property.
33. The Applicant also filed signage plans for the Project. (Ex. 19F.)
34. Finally, the Applicant filed concept designs for the private street to be located along the western edge of the Project. (Ex. 19D.)

Relief Requested

35. The Applicant seeks design approval of the Project pursuant to the SEFC zone requirements of Subtitle K §§ 237.4, 241, and 242. The Commission has jurisdiction to conduct the requested design review of the Project pursuant to Subtitle K § 237.4(a), which provides that design review is required for buildings that are located in the SEFC-1B zone and that utilize bonus height or density.
36. The Applicant also requests special exception relief pursuant to Subtitle C § 1504.1 and the special exception general criteria of Subtitle X § 901 from the penthouse setback requirements of Subtitle C § 1502.1(c)(5) in order to allow the daylit stairwell near the northwest corner to project into the required setback.

37. The Applicant also requests a variance pursuant to Subtitle X § 1002 from the GAR requirements of Subtitle K § 209.1 in order to accommodate the proposed phased build-out of the record lot upon which the Project will be constructed.
38. The Applicant also seeks design flexibility from the requirement to develop the Property in accordance with the plans approved by the Commission. (Ex. 24B.)

OP Report

39. OP filed a report dated April 1, 2019 (the “OP Report”), recommending approval of the Project and testified accordingly at the public hearing. (Ex. 20; Transcript of April 11, 2019 Public Hearing of Zoning Commission, Z.C. Case No. 18-20 [“Tr.”] at 63-64.)
40. OP examined the Project against the general design review criteria as well as the SEFC-1B zone design review criteria found that the Project satisfied each relevant condition, concluding that the Project advances the goals and objectives of the SEFC zones as set forth in Subtitle K. (Ex. 20.)
41. The OP Report also concluded that the Project is not inconsistent with the designation for the Property on the Comprehensive Plan’s Future Land Use Map and Generalized Policy Map. Similarly, OP concluded that the Project conforms to the Master Plan and furthers policies in the Comprehensive Plan’s Land Use; Park, Recreation and Open Space; Historic Preservation; Urban Design; and Anacostia Waterfront/Near Southwest Area Elements.
42. The OP Report also supported the requested design and did not oppose the requested special exception from the penthouse setback or the variance from the GAR requirements. The OP Report also did not object to the request for design flexibility from the requirement to develop the Property in accordance with the plans approved by the Commission.
43. The OP Report included requests for additional information regarding the Project’s canopies, window details, brick dimensions and bridge materials, LEED certification, green roof, and solar panels, to which the Applicant responded in its April 11, 2019 filing with point-by-point explanations satisfactory to OP. (Ex. 24.)
44. The OP report also included 10 comments from DOEE. These comments included requests that the Applicant meet the higher stormwater requirement of capturing the 95th percentile rain event or the 1.7” rain event, include solar panels on the roof of the Project, explore a power purchase agreement, and maximize opportunities for energy efficiency, among others. (Ex. 20 at 17-18.)
45. DOEE did not comment on the request for variance relief from the GAR requirements.
46. The Applicant responded to each of DOEE’s comments and recommendations in its April 11, 2019 filing. (Ex. 24.)

DDOT Report

47. DDOT also filed a report dated April 1, 2019, stating that it had no objection to the approval of the Project (the “DDOT Report”). (Ex. 21.)
48. DDOT made a number of findings in its report including that the trip generation assumptions proposed by the Applicant were reasonable, that the Applicant’s analysis used sound methodology, and that the CTR did not identify any intersections that triggered the need for mitigation as a result of the Project. (*Id.*)
49. The DDOT Report also included recommendations for the Applicant’s Transportation Demand Management (“TDM”) plan, including:
 - a) Providing an annual Capital Bikeshare membership to residents;
 - b) Providing the Project’s TDM Leaders’ contact information to DDOT and goDCgo; and
 - c) Providing annual TDM reports to goDCgo staff.
50. The Applicant responded to each of DDOT’s comments and recommendations in its April 11, 2019 filing. (Ex. 24.)
51. At the public hearing, an email from DDOT that was read into the record, indicated that the Applicant’s responses were sufficient to address DDOT’s recommendations. (Tr. at 10.)

ANC Report

52. ANC 6D filed a report (the “ANC Report”), stating that at its regularly scheduled and duly noticed public meeting on December 10, 2018, at which a quorum was present, it voted to support the application for design review and the requested relief. (Ex. 8.) The ANC Report noted that the Project “will be a catalyst for the emergence of the “Yards West” neighborhood.” The ANC Report did not identify any issues or concerns for the Commission’s consideration.

NCPC Report

53. On December 21, 2018, NCPC filed a memorandum with the Commission approving of the design of the Project (the “NCPC Report”). (Ex.10A.) The NCPC Report noted that the Project “appears to conform to the Urban Design Guidelines identified in the 2005 Memorandum of Understanding between NCPC and the GSA, including: appropriate building and landscape treatment in character with the street grid proposed for the SEFC; using shared, below-grade parking; and an amount of neighborhood retail at the ground level of a major street. In addition, the Parcel I, 35 percent exterior design submission conforms to the Minimum Phase Performance Design Standards identified in the 2005 Memorandum of Understanding between NCPC and the GSA, which include standards for sustainable design, pedestrian access, architectural design, and urban design/planning.” (*Id.*)

GSA-Related Reviews

54. The Applicant's March 22, 2019 filing included letters from the Commission of Fine Arts ("CFA") and NCPC, setting forth the recommendations of each agency to GSA pursuant to agreements between those agencies and GSA. (Ex. 19A, 19B.) Both CFA and NCPC recommended approval of the Project.
55. The CFA provided recommendations regarding the design of the Project including:
- a) Modifying the bridge design to relate more to the overall design;
 - b) Simplifying the materials and colors palette;
 - c) Better incorporation of the glass façade of the lobby into the overall building design;
 - d) Further development of daylit stair tower's design to highlight its role as a building amenity; and
 - e) Incorporating more plantings into the lobby's green roof.
56. At the public hearing, the Applicant's architecture expert testified that the Applicant made design changes to the Project in response to CFA's comments about materiality and the bridge design but not to other comments. (Tr. at 24-30.) GSA testified at the public hearing that it supported the Project as revised. (*Id.* at 28-30.)

Public Hearing of April 11, 2019

57. After proper notice, the Commission held a hearing on the application on April 11, 2019.
58. Expert witnesses appearing on behalf of the Applicant included Brett Swiatocha, of Perkins Eastman DC as an expert in architecture; Erwin Andres of Gorove/Slade Associates, as an expert in transportation planning engineering; Rick Parisi of M. Paul Friedberg and Partners, as an expert in landscape architecture; and Claire Bedat of AECOM, as an expert in landscaping architecture, urban planning, and urban design. Toby Millman and David Shirey of Brookfield Properties appeared on behalf of the Applicant and Brett Banks appeared on behalf of GSA.
59. Mr. Swiatocha and Mr. Banks testified as to the Applicant's response to the CFA comments. (Tr. at 24-34.)
60. Mr. Andres provided a point-by-point response to the comments and concerns raised in the DDOT Report. (Tr. at 45-49.)
61. OP and DDOT confirmed at the hearing that the Applicant had responded to their questions to their satisfaction. (Tr. 2 at 10, 63-64.)
62. No other testimony was presented. (*Id.*)

63. At the conclusion of the hearing, the Commission requested the following supplemental information from the Applicant and its experts: (Tr. at 41-43, 58-59.)
- a) Additional information regarding the Project's proposed signage; and
 - b) Additional details of the Project's mechanical penthouse design.

Post Hearing Submissions

64. On April 29, 2019, the Applicant filed a post-hearing submission with responses to the issues raised by the Commission at the April 11, 2019 hearing. In the submission, the Applicant revised the Project's signage and provided additional information regarding the Project's mechanical penthouse design: (Ex. 27.)
- a) Signage: The Applicant revised its signage plan to remove certain areas at the retail level from being eligible for wall-mounted signage. The Applicant also provided additional restrictions on the building-identifier signage at the upper levels in response to concerns raised by the Commission; and
 - b) Penthouse Design: In its post-hearing submission, the Applicant provided a further study of its rooftop mechanical space, showing that when fully built out with all mechanical equipment and emergency backup equipment, reducing the size of the penthouse level is not feasible.

CONCLUSIONS OF LAW

Design Approval

1. Section 8 of the Zoning Act of 1938 authorizes the Commission to undertake review and approval of the Project. (D.C. Official Code § 6-641.01 (2018 Repl).)
2. The Applicant seeks design approval of the Project pursuant to the SEFC zone requirements of Subtitle K §§ 237.4, 241, and 242. Pursuant to Subtitle K § 237.4(a), design review is required for buildings that are located in the SEFC-1B zone and that utilize bonus height or density. The Commission must consider an application for design review in the SEFC zones against the general design review criteria of Subtitle X § 604 and the SEFC zone design review criteria in Subtitle K §§ 241.1 and 241.2.

General Design Review Criteria (X § 604)

3. Subtitle X § 604 requires that in order for the Commission to approve a design review application it must:
 - a) *Subtitle X § 604.5 - find that the proposed design review development is not inconsistent with the Comprehensive Plan [the "CP"] and with other adopted public policies and active programs related to the subject site;*
 - b) *Subtitle X § 604.6 - find that the proposed design review development will not tend*

- to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9;*
- c) *Subtitle X § 604.7 - review the urban design of the site and the building according to certain enumerated criteria set forth below; and*
- d) *Subtitle X § 604.8 - find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.*
4. The Commission concludes that the Application meets the general design review criteria as elaborated below.

Not Inconsistent with the Comprehensive Plan (X § 604.5)

5. The Commission concludes that the Project is not inconsistent with the Master Plan, nor is it inconsistent with relevant objectives of the CP and the 2003 Anacostia Waterfront Framework Plan (“AWF Plan”). The Applicant provided a detailed analysis of the Project’s consistency with the CP and the AWF Plan, which the Commission finds compelling and accordingly adopts by reference. (Ex. 2J.)
6. The Future Land Use Map of the CP designates the Property as appropriate for a mix of “High-Density Residential” and “High-Density Commercial” future uses. Such a designation supports mixed-use buildings of eight stories or more. Therefore, the Commission finds that the Project’s proposed high-density development, converting the Property to a mix of apartment and ground-floor commercial uses, is not inconsistent with the CP.
7. The Commission also notes that the Generalized Policy Map of the CP shows the Property as being located in a “Land Use Change Area (Federal)” where a change to a different land use is anticipated.
8. In addition, the Commission concludes that the Project is not inconsistent with relevant objectives of the 2013 Near Southeast Urban Design Framework Plan (“NSE Plan”), which prioritizes access to and linkages between existing parks and clustering retail uses to create a high-density urban environment in Southeast DC. The Project addresses a “critical linkage” between existing parks (The Yards Park and Diamond Teague Park) and retail uses (along Tingey Street, S.E. and in The Yards) identified in the NSE Plan and advances the retail cluster objective of the NSE Plan, which seeks to cluster retail uses in the vicinity of The Yards and the Navy Yard Metrorail station.

General Special Exception Criteria (X § 604.6)

9. The Commission concludes that the Project satisfies the two prongs of the general special exception criteria of Subtitle X § 901 for the following reasons.
10. *The Project satisfies Subtitle X § 901.2(a) because it is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-1B zone.*

The Commission concludes that the Project will be harmonious with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-1B zone and complies with the Zoning Regulations in terms of development standards, including height, FAR, proposed uses, and parking, except for minor requests for relief from the penthouse setback and GAR standards.

11. *The Project satisfies Subtitle X § 901.2(b) because it will not tend to affect adversely the use of neighboring property.*

The Commission also concludes that the Project will not adversely affect the use of neighboring property, and instead the Project is designed to fit in and operate compatibly with neighboring properties and uses. The Project is also unlikely to adversely affect the neighboring DC Water operations due to agreements on the future use and design of Canal Street.

Consistent with the Urban Design Criteria (X § 604.7)

12. Subtitle X § 604.7 enumerates several general urban design criteria by which the Commission must review any SEFC-1B zone application pursuant to Subtitle K § 237.4. The Commission concludes that the Project is consistent with each of these general criteria:

- a) *Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:*

- 1) Multiple pedestrian entrances for large developments;*
- 2) Direct driveway or garage access to the street is discouraged;*
- 3) Commercial ground floors contain active uses with clear, inviting windows;*
- 4) Blank facades are prevented or minimized; and*
- 5) Wide sidewalks are provided.*

The proposed design of Parcel I is integrated into the public realm design in a way that achieves these principles. Driveway/garage access separated from pedestrian areas and located exclusively on N Place, S.E. The Project design prioritizes pedestrian access, activity, safety, and comfort, by providing ample sidewalk space along the primary pedestrian streets on N Street and 1 ½ Street. The Project also makes use of the ground level by providing multiple entrances and minimizes blank facades through large windows in the residential lobby and in the retail spaces along 1½ Street and N Street, S.E.;

- b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*

- 1) Where neighborhood open space is lacking;*
- 2) Near transit stations or hubs; and*
- 3) When they can enhance existing parks and the waterfront.*

The overarching design of the Yards creates a network of formal and informal open spaces running from a transit station to an existing waterfront park. The Project reinforces these overall design goals by providing connections on 1 ½ Street between the building's interior public spaces (such as the main lobby and courtyard) and outdoor public spaces along 1 ½ Street and to the Navy Yard Metrorail station stop. The Project's retail presence along N Street will also enliven the connection between 1 ½ Street and Tingey Square;

c) *New development respects the historic character of Washington's neighborhoods, including:*

- 1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
- 2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
- 3) *Development should respect and protect key landscape vistas and axialviews of landmarks and important places.*

The Project reinforces the proposed urban form for Yards West, which utilizes high-density contemporary design and the re-established urban grid as a counterpoint to the historic design and guidelines of the "Historic Zone" to the east. The Project's height, density, massing, orientation, and materials all embrace the contemporary setting. As a result, the Project will be compatible with future Yards West development that is planned for similar heights and densities. However, the Project also complements the nearby Historic Zone through the use of brick as a primary material and through its height, which was deliberately maintained at 110 feet so as not to overwhelm the nearby Main Pumping Station. The Project's design reinforces the rectilinear urban grid along all four street frontages, both through the streetwall at its base and through the form of the upper stories, and it also maintains vistas to and from the waterfront along both 1 ½ Street and Canal Street, S.E.;

d) *Buildings strive for attractive and inspired façade design that:*

- 1) *Reinforces the pedestrian realm with elevated detailing and design of first and second stories; and*
- 2) *Incorporates contextual and quality building materials and fenestration.*

The Project's massing and architectural design reinforces the pedestrian realm through a ground floor which helps define the streetwall along all street frontages. The Commission concludes that the Project's materials are contextually appropriate and high quality based on its review of the physical material board and project imagery provided by the Applicant at the public hearing. The Applicant's details of the fenestration show that the Project's window assemblies will provide appropriate texture and depth;

e) *Sites are designed with sustainable landscaping:*

The east-west public streets utilize the existing planting zones along both N Street, S.E. and N Place, S.E. The private 1½ Street features additional bioretention zones and other features to retain and treat stormwater runoff at a level that exceeds the District's minimum requirements. Along Canal Street, the underground sewer infrastructure and the resulting limited area for public use precludes street trees within the right-of-way. However, the Applicant is seeking to provide similar benefits through a combination of trees and bioretention areas on the private property in front of the loft entrances, adjacent to the sidewalk. The Project's landscape design incorporates a variety of planted areas on multiple terraces, with soil depths on the ground-level courtyard capable of supporting trees as well as attractive groundcover; and

- f) *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*
- 1) *Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
 - 2) *The development incorporates transit and bicycle facilities and amenities;*
 - 3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
 - 4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*
 - 5) *Waterfront development contains high-quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

The Yards West Master Plan creates pedestrian-scale connectivity through a safe, multimodal network that will interconnect the Metro, the riverfront, and the adjacent development to the east and west. Parcel I will accommodate cyclists through a large at-grade indoor bicycle parking area that can be accessed from either the primary or secondary residential entrances as well as on-street bicycle racks. The Project also includes a shower and lockers for employees who choose to bike to work.

Superior to Matter-of-Right Development Standards of Subtitle X § 604.7 (Subtitle X § 604.8)

13. The Project satisfies the urban design criteria of Subtitle X § 604.7 in a way that is superior to any matter-of-right development possible on the Property. The Project exemplifies the superior design, site planning, materials selection, safe pedestrian access, connections to the N Street, S.E. and 1½ Street corridors and other features that are superior to typical matter-of-right development.

SEFC Design Review Criteria

14. The Commission concludes that the Project satisfies the SEFC design review criteria as set forth in Subtitle K § 241.1, which requires that a project:

- a) *Be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, views of federal monumental buildings, particularly along the New Jersey Avenue corridor; and*
- b) *Limit at- or above-grade parking so that any such parking is screened by other building uses, landscaping, or other architectural treatment.*

The Project helps achieve each of the relevant goals and objectives of the SEFC zone.² The Project's height and density are within the high-density parameters envisioned by the Comprehensive Plan. (Subtitle K § 200.2(a).) The proposed high-density residential apartment building use and ground-floor retail uses also provide the mix of uses desired by the Comprehensive Plan and related planning documents. (Subtitle K §§ 200.2(a) - 200.2(c); *see also id.* § 200.3 (emphasizing high-density residential use in the SEFC-1B zone).) The design also emphasizes a pedestrian-oriented streetscape and ground-floor preferred retail and service uses along N Street. (Subtitle K §§ 200.2(b), 200.2(e).) Finally, although the Project is not located within the SEFC Historic Zone, the building's architectural design nevertheless reflects sensitivity to the nearby historic context through its reduced height and use of brick materials. (Subtitle K § 200.2(g).)

15. *The Project is designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, views of federal monumental buildings, particularly along the New Jersey Avenue corridor:*

The Project's height, bulk, and siting do not impinge on the openness of view and vistas to and from the waterfront and monumental federal buildings. As described above, the overall Yards West Master Plan emphasizes these view corridors through the site to the waterfront, and the northeast edge also emphasizes the New Jersey Avenue corridor. The Project's massing along each of its four elevations begins to define these formal view corridors as well as the east-west N Street corridor.

16. *The Project limits at- or above-grade parking so that any such parking is screened by other building uses, landscaping, or other architectural treatment:*

All of the Project's parking is located underground.

17. The Project also satisfies the relevant SEFC-1B additional design review criteria set forth in Subtitle K § 241.2:

- a) *Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping:*

With respect to massing and siting, the Project's height, bulk, and siting do not impinge on the openness of view and vistas to and from the waterfront and

² Certain goals of the SEFC zones, such as reduced height and bulk at the riverfront and development of a riverfront park, are not directly relevant to the Project given its location. (*See* Subtitle K § 200.2(d) and (f).) However, the Project indirectly supports these provisions by accommodating desired density away from the riverfront and housing additional residents to support the District's investments in the riverfront and the park.

monumental federal buildings and are compatible with the height and density of Yards West, which is intended to include taller and denser structures. The Project's architectural details are generally contemporary in nature, reflecting the nature of Yards West as a new neighborhood. Finally, the Project's landscaping is designed to address its context on all four façades and at various roof and penthouse levels; (See Findings of Fact ("FF") ¶¶ 21, 28.)

- b) *Use of high standards of environmental design that promote the achievement of sustainable development goals:*

The Project integrates into its design resiliency and sustainability measures that promote sustainable development goals. The Project is designed to be LEED Silver, includes solar panels, and incorporates other sustainable design elements as the Commission found above at FF ¶¶ 17-20;

- c) *Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces:*

The Project has no unarticulated façades at ground level, and all façades include entrances into the building;

- d) *Landscaping which complements the building:*

The Project provides a variety of landscaping throughout the building and in the adjacent public realm which complements the overall design of the building; and (See FF ¶¶ 22.)

- e) *Consideration of the balance and location of preferred uses:*

The Project's Preferred Uses are concentrated along the façades facing streets that are likely to have the greatest amount of pedestrian activity. (See FF ¶ 16.)

Special Exception Relief for Penthouse Setback

18. The Application also requests special exception relief from Subtitle C § 1502.1(c)(5) in order to allow the daylit stairwell near the northwest corner to project into the required setback. The Commission may grant a special exception for penthouse setback relief pursuant to Subtitle C § 1504.1 and the special exception general criteria of Subtitle X § 901.
19. The Project satisfies the standards for the requested penthouse setback special exception:
- a) *The strict application of the requirements of Subtitle C, Chapter 15 would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes:*

Typically, stairwells in residential buildings are “buried” in the interior of the building in order to not occupy valuable exterior-facing space. Here the Applicant has placed one stairwell partially beyond of the exterior wall and clad it primarily in glass in order to encourage circulation in the building via stairs rather than via elevators. This particular stairwell was selected because of its proximity to the ground-floor lobby entrance and its southern and western exposures, which will experience the best daylight in the building. The daylit stairwell projects into the required setback at the upper level to capture more natural light at the top of the stair and allow rising warm air to be collected and vented above the occupied zone to maintain the comfort of the stair users. Strict application of the setback requirements would defeat the purpose of having a fully daylit stairwell, since it would reduce the light and usability of the stairwell. In all likelihood, the practical impact of strict compliance would be to eliminate the feature altogether;

- b) *The relief requested results in a better design of the roof structure than a fully matter-of-right design and does not appear to be an extension of the building wall:*

The requested relief results in a superior design to the roof structure than a fully matter-of-right design because it converts the stairwell from a dark “emergency-only” piece of vertical circulation to a unique stairwell that encourages activity and movement in the Project and reinforces public health and wellness goals. The requested relief does not appear to be an extension of the building wall. Rather, the entire stairwell that results in the projection into the required setback is distinguished from the surrounding façade through materials and design;

- c) *The relief requested is no more visually intrusive than a matter-of-right design:*

The stair tower will not be visible from most vantage points. The stair tower will not be visible at all from N Street, S.E., N Place, S.E., or Canal Street adjacent to the Project. Along 1½ Street, any view of the projection from 1½ Street will likely be entirely obscured by the Project’s bridge element, given the height and scale of the bridge compared to the location and minimal size of the stair tower. While Parcel H remains a parking lot, the projection may be incidentally visible from the public realm along 1st Street, S.E. However, once Parcel H is constructed, the stair tower will not be visible from 1st Street, S.E. or other points west of Parcel I;

- d) *Operating difficulties such as meeting the D.C. Construction Code requirements make full compliance unduly restrictive or unreasonable:*

Typically, stairwells are a secondary form of vertical circulation to be used for egress in an emergency. Most stairwells are dark and confined to the building interior, and building occupants opt for using an elevator rather than stairs to travel between floors. Here, the Applicant creates a stairwell that will encourage resident activity. A daylit stairwell requires both an exterior location on the perimeter of the building and sufficient height to bring in light and allow air to circulate; these requirements could

not be met if the stairwell terminated in a location that complied with the setback requirements;

- e) *Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks:*

Apart from the stairwell, all mechanical equipment, other stairwells, and elevator penthouses are in compliance with the required setbacks. As noted above, there is no reasonable way to design the daylit stairwell in a manner that complies with the penthouse setback requirements, because the stairwell must by design be located on the exterior wall of the building;

- f) *The stairwell neither materially impairs the intent and purpose of Subtitle C, Chapter 15 nor materially impairs the light and air of adjacent buildings:*

As described above, the daylit stairwell will not be visible from most frontages and will therefore not impair the intent and purposes of the penthouse regulations. Moreover, the scope of the requested relief is minor. The stairwell is located within an interior courtyard, and accordingly the requested relief does not materially impair the light or air of adjacent buildings. The penthouse relief will not cast shadows onto adjacent buildings, obstruct views, or otherwise impair views or access to future nearby buildings;

- g) *The proposed setback is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and does not tend to affect adversely the use of neighboring property:*

The requested relief from the strict application of the penthouse setback requirements does not impair the general intent, purpose, and integrity of the Zoning Regulations or Zoning Maps. The majority of the Project's penthouse meets the setback requirements, the daylit stairwell extends into the setback zone only to the minimum extent necessary, the stairwell is generally not visible from the public realm, and it has no shadow impacts; and

- h) *The proposed setback does not violate the maximum height allowed by the Height Act:*

Under the Height Act, the Project could achieve a maximum height of 130 feet based on the width of 1st Street, S.E. Therefore, since the Project height is only 110 feet and the penthouse height is limited to 20 feet, the setback of the building's penthouse is governed only by the requirements of the Zoning Regulations.

Variance Relief for GAR

20. The Applicant also requested a variance from the GAR requirements of Subtitle K § 209.1 in order to accommodate the proposed phased build-out of the record lot upon which the Project will be constructed. The Project will satisfy the GAR requirements as

to Parcel I itself. However, the overall record lot (containing Parcel I and Parcel H as well as the portion of 1½ Street between the two parcels), which is the relevant unit for the purposes of complying with the Zoning Regulations, will not comply with the GAR requirements until the completion of construction on Parcel H. Therefore, variance relief is sought to accommodate the interim condition while Parcel H is still improved as a parking lot.

21. The Commission may grant the Applicant’s request for a variance pursuant to the standards for area variance relief as set forth in Subtitle X § 1002.1(a). As set forth below, the Commission concludes that the Application meets the three-part test for area variance relief for the requested GAR variance.

22. *The Property Is Affected by an Exceptional Situation or Condition:*

The Commission concludes that Parcel I satisfies the “exceptional situation or condition” element because it is uniquely impacted by a confluence of factors not affecting the neighborhood generally. Parcel I is part of the master-planned development of the SEFC, which anticipated the gradual, phase development of a large multi-acre site. Parcel I is the first phase of development of a larger site that will one day include the development of Parcel H. Moreover, Parcel H is currently improved as a temporary surface parking lot pursuant to Commission approval that predated the implementation of the GAR regulations.

23. *Strict Application of the Zoning Regulations Would Result in a Practical Difficulty:*

The Commission concludes that compliance with the strict application of the GAR requirements would result in practical difficulties given the phased nature of construction on the record lot of which the Property is a part. The temporary surface parking lots on Parcel I and Parcel H were constructed prior to the effectiveness of the GAR requirements. As a result, neither lot complies with the GAR regulations. Parcel H will eventually be redeveloped with a new building, and the GAR requirements will apply to that new construction. Parcel H will integrate its own green features, but the extent of those features cannot be known until the building is designed. Upon full build out of Parcel I and Parcel H (and the new private street between them), the entire record lot will overall satisfy the GAR requirements for the record lots. Likewise, at that point the individual Parcels will independently satisfy the GAR requirements for each tax lot. Until then, it would be unreasonable to require that Parcel I satisfy the GAR requirements for the entire record lot.

24. *Relief Can Be Granted without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan:*

The Commission concludes that the requested relief from the strict application of the GAR requirements can be granted without substantial detriment to the public good and without impairing the intent, purpose, and integrity of the zone plan. The relief from the requirement is time-limited and purely technical in nature, since the requested relief will

no longer be necessary upon construction of Parcel H. The Commission notes that if the Project were to be developed on the basis of Parcel I alone, this relief would not be required. This relief does not impair or circumvent the intent of the Zoning Regulations, which assess GAR on a building-by-building basis. Accordingly, the regulations are not harmed by recognizing that the multi-phase nature of a large site build out may not achieve full GAR compliance for the record lot as a whole until all phases are complete.

“Great Weight” to the Recommendations of OP

25. 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 Z § 405.8, the Commission must give “great weight” to the recommendations of OP. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086-87 (D.C. 2016).)
27. The Commission finds OP’s recommendation, in both the OP Report and testimony at the public hearing, that the Commission approve the Application persuasive and concurs in that judgment as elaborated above.

“Great Weight” to the ANC Report

28. 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 Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
29. The Commission finds the ANC Report’s support of the Application, which did not identify any issues or concerns with the Project, persuasive and concurs in that judgement as elaborated above.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and orders **APPROVAL** of the Application for SEFC Design Review, including the special exception relief under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(c)(5), and variance relief from the GAR requirements of Subtitle K § 209.1, subject to the following conditions, standards, and flexibility

1. **Project Development.** The Project shall be built in accordance with the plans and elevations dated March 22, 2019, and marked as Exhibit 19F1-19F9 of the record, as amended and updated by plans and elevations dated April 11, 2019 and marked as Exhibits 24D, 25A1-25A4, and 27A of the record (collectively, the “Approved Plans”), except for flexibility from the Approved Plans in the following areas:
- a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b) To vary the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Approved Plans;
 - c) To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Approved Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
 - d) To provide a range in the approved number of residential dwelling units of plus or minus 10%;
 - e) To make refinements to the approved parking configuration, including layout and number of parking spaces plus or minus 10%, and to vary the allocation of residential and retail parking spaces, provided that the number of residential parking spaces shall not exceed a ratio of 0.6 spaces per unit;
 - f) To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
 - g) To vary the final streetscaping and landscaping materials on private property as shown on the Approved Plans and as shown on the concept design for 1½ Street included as Exhibit 19D of the record based on availability and suitability at the time of construction, to incorporate materials consistent with adjacent public space (including both DDOT-standard and DDOT-approved “Yards Standard” materials, furnishings, and fixtures), or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, DOEE, DCRA, or other applicable regulatory bodies;
 - h) To vary the amount, location, and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy permitting requirements, so long as the Project achieves a minimum GAR of 0.2 based on the area of Parcel I and provides a minimum of 160 linear feet of solar panels;

- i) To vary the final design and layout of the mechanical penthouse to accommodate changes to comply with Construction Codes or address the structural, mechanical, or operational needs of the building uses or systems, and to tilt the solar panels up to 20% from vertical consistent with Subtitle C § 1500.10, so long as such changes do not substantially alter the exterior dimensions shown on the Approved Plans and remain compliant with all applicable penthouse setback requirements;
 - j) To vary the final design and layout of the indoor and outdoor residential amenity spaces to reflect their final design and programming;
 - k) To vary the final design of the ground-floor frontage, including the number, size, design, and location of windows and entrances, signage, awnings, canopies, and similar storefront design features, to accommodate the needs of the specific tenants within the parameters set forth in the Storefront and Signage Plans; and
 - l) To vary the design of the surface parking lot remaining on Parcel H in accordance with the plan submitted as Exhibit 19E of the record.
2. **Ground-Floor Uses.** The Applicant shall have flexibility to change the use of the spaces identified as “Retail” in the Approved Plans to any use allowed among the “Preferred Uses” in the SEFC-1B zone.
 3. **Three-Bedroom Units. For the life of the Project,** the Applicant shall reserve a minimum of eight percent of the 1.0 FAR bonus based on the area of Parcel I, or approximately 4,403 square feet of gross floor area, for three-bedroom units in accordance with Subtitle K § 202.2(b)
 4. **LEED.** The Project shall achieve certification from the U.S. Green Building Council at the level of LEED Silver v4, provided that the Applicant shall have the flexibility to vary the approved sustainable features of the Project as long as the total number of LEED points achievable for the Project does not decrease below the minimum required for the foregoing LEED standard.
 5. **Green Area Ratio.** For so long as Parcel H remains improved with a surface parking lot, the Applicant shall have flexibility with respect to complying with the GAR requirements for the underlying record lot containing Parcels H and I pursuant to a variance from the GAR requirements for such record lot.
 6. **EV Charging Stations. For the life of the Project,** the Applicant shall provide five electric vehicle charging stations in the Project’s below-grade garage.
 7. **Loading Management Plan. For the life of the Project,** the Applicant shall adhere to the following loading management plan measures:

- a) Designate a loading dock manager who will be responsible for coordinating with vendors and tenants to schedule deliveries and who will be on duty during delivery hours;
- b) Require all retail tenants to schedule any deliveries that utilize the loading docks (defined here as any loading operation conducted using a truck 20 feet in length or larger);
- c) Require all residential move-ins and move-outs to be scheduled;
- d) Require the dock manager(s) to schedule deliveries for trucks using the loading berths such that the dock's capacity is not exceeded, and in the event that an unscheduled delivery vehicle arrives while the dock is full, direct that driver to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock;
- e) Require the dock manager(s) to monitor inbound truck maneuvers and ensure that trucks accessing the loading dock do not block vehicular traffic except during those times when a truck is actively entering the loading facilities;
- f) Prohibit trucks using the loading dock from idling and direct compliance with all District guidelines for heavy vehicle operation including but not limited to air quality regulations (Chapter 9, Section 900 (Engine Idling) of Title 20 of the District of Columbia Municipal Regulations), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System; and
- g) Assign the dock manager(s) the responsibility for disseminating suggested truck routing maps to the Project's tenants and to drivers from delivery services that frequently utilize the loading dock and for distributing flyer materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager(s) will also post these documents in a prominent location within the service area.

8. Transportation Demand Management Measures. For the life of the Project, unless as otherwise noted, the Applicant shall adhere to the following TDM plan measures:

- a) Identify a TDM Leader for operations at the building, which leader will work with residents to distribute and market various transportation alternatives and options;
- b) Provide TDM materials to new residents in the Residential Welcome Package materials, which shall include, at a minimum, the Metrorail packet guide, brochures of local bus lines ("Circulator and Metrobus"), carpool and vanpool information, Capital Bikeshare coupon or rack card, Guaranteed Ride Home ("GRH") brochure, and the most recent DC Bike Map, all of which materials may be ordered from goDCgo;

- c) Provide the Project's TDM Leaders' contact information to DDOT and goDCgo (info@godcgo.com) and report TDM efforts and amenities to goDCgo staff once per year;
- d) Provide website links to CommterConnections.com and goDCgo.com on property websites;
- e) Post on tenant websites "getting here" information that includes information about how to travel to the Project via Metrorail, bike, walking, and where to park, if driving (a printable map should also be available);
- f) Provide for the Project's TDM Leaders to receive TDM training from goDCgo to learn about the TDM conditions for the Project and available options for implementing the TDM plan;
- g) Post all TDM plan commitments online, publicize availability, and allow the public to see what commitments the Applicant has promised with respect to the Project's TDM;
- h) Host a transportation event for residents, employees, and members of the community **once per year for the first three years** after opening the Project;
- i) Install a Transportation Information Center Display (electronic screen) within the Project's residential lobby, which Display shall contain information related to local transportation alternatives;
- j) Work with the Capital Riverfront BID's marketing efforts targeting the S.E. and S.W. quadrants of the District, which marketing efforts shall include installing posters in bus shelter map cases, transit-oriented promotional materials, and special transit maps in Navy Yard area;
- k) Provide at least 10 collapsible shopping carts for resident use to run errands and for grocery shopping;
- l) Provide 118 long-term bicycle parking spaces in the Project with room to accommodate non-traditional-sized bikes including cargo, tandem, and kids' bikes;
- m) Provide 22 short-term bicycle parking spaces along 1½ Street and/or N Street, S.E.;
- n) Provide a bicycle repair station in the secure long-term bicycle storage room;
- o) Price all parking in the Project at market rates, at minimum, where "market rates" are the average cost for parking at a quarter-mile radius from the site;
- p) Unbundle the cost of residential parking from the cost of lease of each unit;

- q) Provide an on-site business center to residents with access to copier and internet services;
 - r) Offer an annual Capital Bikeshare membership to each residential unit in the Project **for the first three years** after the Project opens to residential tenants, provided the Applicant shall not be required to spend more than \$40,000.00 in the aggregate in satisfaction of this Condition 7(r);
 - s) Provide car-sharing services a right of first refusal for up to two reserved parking spaces in the vehicle parking garage, provided that if the Applicant does not reach an agreement with a car-sharing service to occupy both dedicated spaces, the Applicant shall have no further obligations under this Condition 7(s)
9. The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order. (Subtitle Z § 702.3.)

VOTE (May 13, 2019): 4-0-1

(Michael G. Turnbull, Peter A. Shapiro, Robert E. Miller, and Peter G. May to **APPROVE**; Anthony J. Hood, not present, not voting)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 18-20 shall become final and effective upon publication in the *D.C. Register*; that is on February 28, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

District of Columbia REGISTER – February 28, 2020 – Vol. 67 - No. 9 002096 – 002468