

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 23-160, Big Brown Bat Official State Mammal Designation Act of 2020
- D.C. Council enacts Act 23-558 to establish a commemoration task force to review commemorative works and public space names and provide recommendations to the Council
- D.C. Council schedules a public oversight roundtable on “Universal Paid Family Leave: Six Month Review”
- D.C. Council schedules a public roundtable on “Re-Opening District of Columbia Public Schools (DCPS)”
- Department of General Services designates Langdon Park Community Center (Ward 5) as a seasonal hypothermia shelter from January 6, 2021 through March 31, 2021
- Department of Health amends notices of funding availability for the Harm Reduction Vending Machines Program and the Maternal and Child Health Services Block Grant to States Program

The Mayor of the District of Columbia extends the pause in certain Phase Two activities to 5:00 a.m. on January 22, 2021 and modifies the duration of the public emergency and public health emergency from March 31, 2021 (Mayor’s Order 2020-127) to March 17, 2021 (Mayor’s Order 2021-004)

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0154

"Care for LGBTQ Seniors and Seniors with HIV Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0037 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0467 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13244). Act A23-0467 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0467 is now D.C. Law L23-0154, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0155

"Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0074 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0468 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13249). Act A23-0468 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0468 is now D.C. Law L23-0155, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0156

"Autonomous Vehicles Testing Program Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0232 on First Reading and Final Reading, on July 21, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0450 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13048). Act A23-0450 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0450 is now D.C. Law L23-0156, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0157

"Lorraine H. Whitlock Elementary School Designation Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0263 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0469 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13252). Act A23-0469 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0469 is now D.C. Law L23-0157, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0158

"Vision Zero Enhancement Omnibus Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0288 on First Reading and Final Reading, on July 21, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0451 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13057). Act A23-0451 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0451 is now D.C. Law L23-0158, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW L23-0159

"Hannah Hawkins Way Designation Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0289 on First Reading and Final Reading, on July 21, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0470 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13254). Act A23-0470 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0470 is now D.C. Law L23-0159, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0160

"Big Brown Bat Official State Mammal Designation Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0302 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0471 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13256). Act A23-0471 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0471 is now D.C. Law L23-0160, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0161

"Diverse Emerging Fund Managers and Reporting Requirements Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0606 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0472 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13258). Act A23-0472 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0472 is now D.C. Law L23-0161, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

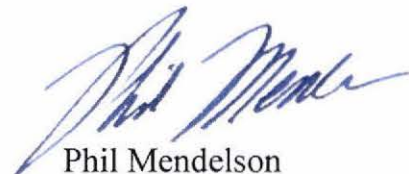
NOTICE

D.C. LAW L23-0162

"Bloomingdale Historic District Targeted Historic Preservation Assistance Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0670 on First Reading and Final Reading, on July 21, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0473 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13261). Act A23-0473 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0473 is now D.C. Law L23-0162, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

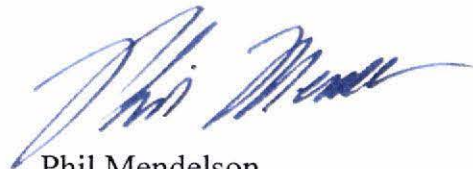
NOTICE

D.C. LAW L23-0163

"New Howard University Hospital and Redevelopment Tax Abatement Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0778 on First Reading and Final Reading, on July 21, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0474 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13263). Act A23-0474 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0474 is now D.C. Law L23-0163, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0164

"RPP Voluntary Exclusion Temporary Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0854 on First Reading and Final Reading, on July 23, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0461 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13232). Act A23-0461 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0461 is now D.C. Law L23-0164, effective December 23, 2020.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0165

"Student Activity Fund Theatrical and Music Performance Expenditures Temporary Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0856 on First Reading and Final Reading, on July 23, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0462 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13234). Act A23-0462 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0462 is now D.C. Law L23-0165, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

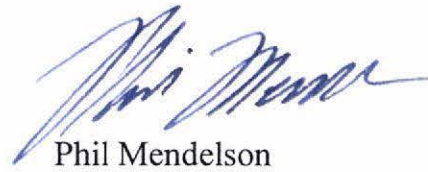
NOTICE

D.C. LAW L23-0166

"Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0858 on First Reading and Final Reading, on July 28, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0448 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13043). Act A23-0448 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0448 is now D.C. Law L23-0166, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW L23-0167

"General Election Preparations Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0865 on First Reading and Final Reading, on July 28, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0442 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13022). Act A23-0442 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0442 is now D.C. Law L23-0167, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

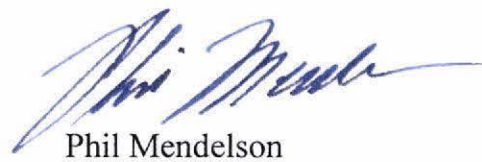
NOTICE

D.C. LAW L23-0168

"Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0871 on First Reading and Final Reading, on July 28, 2020, and September 22, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0443 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13025). Act A23-0443 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0443 is now D.C. Law L23-0168, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW L23-0169

"Sexual Assault Victims' Rights Clarification Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0892 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0444 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13032). Act A23-0444 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0444 is now D.C. Law L23-0169, effective December 23, 2020.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0170

"Election Worker Residency Requirement Waiver Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0894 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0445 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13214). Act A23-0445 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0445 is now D.C. Law L23-0170, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0172

"Eviction Notice Moratorium Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0899 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0463 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13236). Act A23-0463 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0463 is now D.C. Law L23-0172, effective December 23, 2020.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0173

"Certificate of Assurance Moratorium Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0901 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0459 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13228). Act A23-0459 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0459 is now D.C. Law L23-0173, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0174

"Government Grant Transparency Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0903 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0460 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13230). Act A23-0460 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0460 is now D.C. Law L23-0174, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0175

"Public Space Maintenance Temporary Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0905 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0464 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13238). Act A23-0464 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0464 is now D.C. Law L23-0175, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

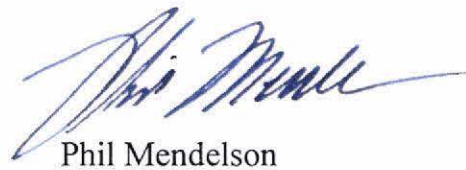
NOTICE

D.C. LAW L23-0176

"Fiscal Year 2021 Budget Support Clarification Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0909 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0447 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13036). Act A23-0447 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0447 is now D.C. Law L23-0176, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0177

"Arts and Humanities Capital Funding Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0911 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0465 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13240). Act A23-0465 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0465 is now D.C. Law L23-0177, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0178

"Rent Control Housing Database Deadline Extension Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0913 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0449 and was published in the November 6, 2020 edition of the D.C. Register (Vol. 67, page 13046). Act A23-0449 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0449 is now D.C. Law L23-0178, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW L23-0179

"Local Business Enterprise Clarification Temporary Amendment Act of 2020"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 23-0917 on First Reading and Final Reading, on September 22, 2020, and October 6, 2020, respectively, pursuant to Section 404(e) of the Charter, the bill became Act A23-0466 and was published in the November 13, 2020 edition of the D.C. Register (Vol. 67, page 13242). Act A23-0466 was transmitted to Congress on November 5, 2020 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act A23-0466 is now D.C. Law L23-0179, effective December 23, 2020.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
November	9,10,12,13,16,17,18,19,20,23,24,25,27,30
December	1,2,3,4,7,8,9,10,11,14,15,16,17,18,21,22

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-557**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to clarify the definition of a commemorative work, to change the composition of the Commemorative Works Committee, to clarify the review that commemorative works may require from other agencies, to clarify procedures for recommending a commemorative work, and to encourage more commemorative works honoring diverse native Washingtonians and local history.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Diverse Washingtonians Commemorative Works Amendment Act of 2020”.

Sec. 2. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), is amended as follows:

(a) Section 411(1)(A) (D.C. Official Code § 9-204.11(1)(A)) is amended by striking the phrase “which is designed” and inserting the phrase “the primary purpose of which is” in its place.

(b) Section 412(b) (D.C. Official Code § 9-204.12(b)) is amended to read as follows:

“(b)(1) The Committee shall be composed of 9 voting members, 5 of whom shall be citizen members and 4 of whom shall be ex officio members.

“(2) Two citizen members shall be appointed by the Mayor for a 3-year term.

“(3) Three citizen members shall be appointed by the Chairman of the Council for a 3-year term.

“(4) The following government officials, or their designated representatives, shall serve as the ex officio members:

“(A) The Director of the Office of Planning, who shall serve as chairperson of the Committee;

“(B) The Director of the Department of Parks and Recreation;

“(C) The Chairperson of the Historic Preservation Review Board; and

“(D) The Chairperson of the Commission on the Arts and Humanities.”.

## ENROLLED ORIGINAL

(c) Section 413(a)(3) (D.C. Official Code § 9-204.13(a)(3)) is amended by striking the phrase “public utilities,” and inserting the phrase “public utilities, by the Commission on Fine Arts if required by law, by the National Capital Planning Commission if required by law,” in its place.

(d) Section 414 (D.C. Official Code § 9-204.14) is amended to read as follows:

“Sec. 414. Applications for commemorative works.

“(a) Any sponsor may propose the placement of a commemorative work on public space in the District. Any proposal for a commemorative work on public space in the District shall be accompanied by a completed application to the Office of Planning by a sponsor. Each application shall, at a minimum, include:

“(1) A conceptual description of the proposed commemorative work;

“(2) The proposed location of the commemorative work;

“(3) For a commemoration of a person, the primary reason or reasoning that the person is proposed to be commemorated; and

“(4) An explanation of how the commemorative work will be funded and maintained.

“(b) The Office of Planning shall develop a procedure for receiving applications from a sponsor of a proposed commemorative work and transmitting the applications to the Committee.

“(c) The Office of Planning shall accept from any member of the public recommendations for commemorative works to be considered for sponsorship by a District agency and shall share such recommendations with the Committee.

“(d) If a District agency is the sponsor of a commemorative work, it shall consult with the Commission on the Arts and Humanities on conceptual design for the commemorative work before submitting an application.”.

(e) Section 415 (D.C. Official Code § 9-204.15) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “other commemorative works” and inserting the phrase “other commemorative works, especially when the subject is a member of a minority group who is a native Washingtonian or person who made Washington their home” in its place.

(2) Subsection (c)(2) is amended by striking the phrase “natural resources.” and inserting the phrase “natural resources. Placement should be encouraged in those areas with limited access to public art.” in its place.

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

“(d) When the Committee recommends approval of a proposed commemorative work, the approval shall be accompanied by a statement of the primary reasoning for the commemoration.”.

Sec. 3. Commemoration of diverse Washingtonians.



## ENROLLED ORIGINAL

(a) The University of the District of Columbia, by December 31, 2021, shall furnish to the Mayor and the Council a report recommending up to 12 proposed commemorative works to honor remarkable diverse native Washingtonians, or persons who made Washington their home, who left positive and indelible marks on American or District culture or history. The individuals shall reflect diversity of culture, race, gender or gender identity, sexual orientation, or disability status.

(b) The report shall:

(1) Detail the individual or group recommended for commemoration and the reasoning for the commemoration;

(2) Provide a recommended geographical location for the commemoration, and state why the location is being recommended, taking into consideration the goal of geographic diversity; and

(3) Recommend the order of precedence of each of the recommended commemorative works.

Sec. 4. Applicability.

(a) Section 3 of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 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.

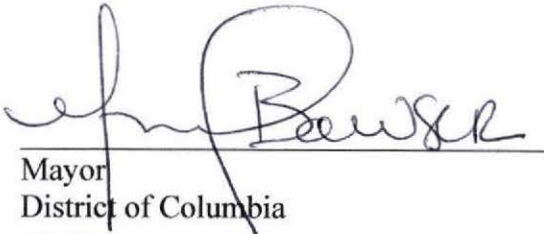
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 11, 2021

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-558**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To establish a commemoration task force to review commemorative works and public space names and provide recommendations the Council, and to establish qualifications for appointments to the task force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commemoration Task Force Act of 2020”.

Sec. 2. Definitions.

For the purposes of this act, the terms “commemorative work” and “public space” shall have the same meanings as provided for in section 411 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.11).

Sec. 3. Commemoration Task Force Establishment.

(a) There is established a Commemoration Task Force (“Task Force”) with the purpose of reviewing existing commemorative works and public space names, including public buildings and official street names, to evaluate whether a commemorative work or public space name is racist, oppressive, hateful, or offensive to the public or to the District’s public policy under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*). The evaluation shall:

- (1) Consider the artistic, social, historic, and political context or intent of the commemorative work or public space name; and
- (2) Consider the apparent primary rationale for establishing the commemorative work or public space name.

(b) The Task Force shall develop a process to solicit public input and comments.

(c) By December 31, 2021, the Task Force shall submit to the Council a report detailing:

- (1) Any commemorative works or public space names it deems to be inappropriate or offensive and the reason for such determination;

## ENROLLED ORIGINAL

(2) Recommendations on what action should be taken with respect to the commemorative work or public space name including removal, relocation, renaming, alteration, or installation of additional interpretive elements.

(d)(1) The Office of Planning shall provide to the Task Force the following draft or final documents from the District of Columbia Facilities and Commemorative Expressions (DCFACES) Working Group:

- (A) The final report and recommendations of the working group;
- (B) The Engagement Committee report and summary;
- (C) The Policy Committee report and summary;
- (D) The Research Committee Report;
- (E) Persons of Interest summary document; and
- (F) An inventory of commemorative works and public space names.

(2) Any documents, including drafts, provided pursuant to this subsection shall not be subject to a request under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*) through the Council or the Task Force.

(e) The Council shall provide administrative and technical support to the Task Force.

(f) The Task Force shall be composed of 5 members appointed by the Council Chairman to include:

- (1) At least 2 members who are academics in the field of history;
- (2) At least one member chosen by the Chairman from a list of 3 recommendations by the Historical Society of Washington D.C.; and
- (3) At least one member from an organization advancing racial equity in the District.

#### Sec 4. Sunset.

This act shall expire upon the submission of the report required by section 2(c) by the Task Force to the Council.

#### 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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 11, 2021

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-559**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To amend Chapter 45 of Title 28 of the District of Columbia Official Code to expand the remedies available in civil actions brought by the Attorney General for antitrust violations, including by authorizing civil penalties for violations committed by individuals and legal entities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Antitrust Remedies Amendment Act of 2020”.

Sec. 2. Chapter 45 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-4505 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Corporation Counsel” both times it appears and inserting the phrase “Attorney General” in its place.

(2) Subsection (b)(4)(B) is amended by striking the phrase “an assistant corporation counsel” inserting the phrase “a designee of the Attorney General” in its place.

(3) Subsection (e) is amended by striking the phrase “a natural person” both times it appears and inserting the phrase “an individual” in its place.

(4) Subsection (g) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “The assistant corporation counsel” and inserting the phrase “The designee of the Attorney General” in its place.

(B) Paragraph (3) is amended by striking the phrase “the assistant corporation counsel” and inserting the phrase “the designee of the Attorney General” in its place.

(C) Paragraph (4) is amended by striking the phrase “the assistant corporation counsel” wherever it appears and inserting the phrase “the designee of the Attorney General” in its place.

(D) Paragraph (5) is amended by striking the phrase “or assistant corporation counsel” and inserting the phrase “or designee of the Attorney General” in its place.

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

## ENROLLED ORIGINAL

“(6) Upon request, the designee of the Attorney General shall furnish a copy of the transcript at no cost to the witness only: except, that the Attorney General may for good cause limit such witness to inspection of the official transcript of the witness’s testimony.”.

(F) Paragraph (7) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

(5) Subsection (h) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

(6) Subsection (i) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

(7) Subsection (k) is amended by striking the phrase “the Corporation Counsel” both times it appears and inserting the phrase “the Attorney General” in its place.

(b) Section 28-4506 is amended by striking the phrase “The Corporation Counsel” and inserting the phrase “The Attorney General” in its place.

(c) Section 28-4507 is amended as follows:

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

“(a)(1) Whenever the District government is injured in its business or property by a violation of this chapter, the Attorney General may, without prejudice to the right of the District to bring similar or identical actions under any other statute, bring a civil action, in the name of the District, in any court of competent jurisdiction.

“(2)(A) Remedies in actions brought pursuant to paragraph (1) of this subsection shall be one or more of the following:

“(i) Not more than treble damages;

“(ii) Other appropriate injunctive or equitable relief, including restitution or an order that any profits, gain, gross receipts, or other benefit derived from the violation be disgorged and paid to the District; and

“(iii) Civil penalties.

“(B) In any action brought pursuant to paragraph (1) of this subsection, the court may award the District the relief sought and the cost of suit, including reasonable attorney’s fees.”.

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

“(b)(1) Whenever an individual residing in the District is injured in the individual’s property by a violation of this chapter, the Attorney General may bring a civil action, in the name of the District as *parens patriae*, in any court of competent jurisdiction.

“(2) Remedies in actions brought pursuant to paragraph (1) of this subsection shall be one or more of the remedies provided in subsection (a)(2) of this section.

“(3) Monetary relief recovered on behalf of individuals in an action pursuant to paragraph (1) of this subsection shall be distributed in such manner as the court may authorize, according to procedures approved by the court, except that any distribution procedures approved shall first afford each individual a reasonable opportunity to secure the individual’s appropriate portion of the net monetary relief.”.

## ENROLLED ORIGINAL

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

“(b-1)(1) Any individual who knowingly commits any violation of this chapter shall be liable for civil penalties not to exceed \$100,000.

“(2) Any person, other than an individual in paragraph (1) of this subsection, that knowingly commits any violation of this chapter shall be liable for civil penalties not to exceed \$1 million.”.

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

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

“(1) In any action brought pursuant to subsection (b) of this section, the Attorney General shall, at such times, in such manner, and with such content as the court may direct, cause notice to be given by publication. If the court finds that notice given solely by publication would deny due process of law to any individual, the court shall direct further notice to such individual according to the circumstances of the case.”.

(B) Paragraph (2) is amended by striking the word “person” both times it appears and inserting the word “individual” in its place.

(5) Subsection (d) is amended by striking the phrase “persons on” and inserting the phrase “individuals on” in its place.

(d) Section 28-4512(a) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

(e) Section 28-4513 is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

### Sec. 3. Fiscal impact statement.

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

### Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,




ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 11, 2021

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-560**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To amend the Human Rights Act of 1977 to clarify the definition of place of public accommodation; to amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to expand the offense of defacement of certain symbols or display of certain emblems; to amend the Bias-Related Crime Act of 1989 to provide civil enforcement authority to the Attorney General against persons who commit bias-related crimes or, through certain acts, interfere or attempt to interfere with an individual's exercise of constitutional or District rights, or deprive an individual of equal protection, to provide subpoena authority, and to specify appropriate relief; and to amend Chapter 1 of Title 23 of the District of Columbia Official Code to limit the scope of the defenses of heat of passion caused by adequate provocation, insanity, self-defense, defense of others, and defense of property if certain elements of the defense are based on the victim's actual or perceived gender identity, gender expression, or sexual orientation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020".

Sec. 2. Section 102(24) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(24)), is amended by striking the phrase "all places included in the meaning of such terms as inns" and inserting the phrase "any person or place that provides, to a person in the District, access to an accommodation, service, or good, whether or not that person or place maintains a physical location in the District or charges for those goods or services, such as inns" in its place.

Sec. 3. Section 3 of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.02), is amended to read as follows:

"Sec. 3. Defacement of certain symbols; display of certain emblems.

"It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a religious or secular symbol, or to place or display a sign, mark, symbol, impression, or other emblem, including a Nazi swastika, noose, or real or simulated burning cross, on the private property of

## ENROLLED ORIGINAL

another, without the permission of the owner or the owner's designee, or on public property, where the person acts reckless to the fact that a reasonable person would perceive that the intent of the person acting is to:

“(1) Deprive a person or class of persons of equal protection under federal or District law;

“(2) Hinder or interfere with, or retaliate for, a person's exercise of any right secured by federal or District law;

“(3) Threaten to injure, break, or destroy a person's property or harm a person's financial interests; or

“(4) Threaten to do bodily harm to a person.”.

Sec. 4. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3701) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Attorney General” means the Attorney General for the District of Columbia.”.

(3) The newly redesignated paragraph (1A) is amended by striking the phrase “physical disability, matriculation, or political affiliation of a victim of the subject designated act” and inserting the phrase “disability, matriculation, or political affiliation of a victim of the subject designated act. A designated act need not solely be based on or because of an accused's prejudice.” in its place.

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

“(5) “Person” means any individual, firm, corporation, partnership, cooperative, association, or any other organization, legal entity, or group of individuals however organized; provided, that for the purposes of a civil action brought against an individual pursuant to section 6, the term “person” shall not include an individual who is 17 years of age or younger.”.

(b) Section 3(a) (D.C. Official Code § 22-3702(a)) is amended by striking the phrase “Police force” and inserting the phrase “Police Department” in its place.

(c) Section 5 (D.C. Official Code § 22-3704) is amended by striking the phrase “physical disability,” both times it appears and inserting the phrase “disability,” in its place.

(d) A new section 6 is added to read as follows:

“Sec. 6. Attorney General civil enforcement.

“(a) The Attorney General may, irrespective of any criminal prosecution, the result of any criminal prosecution, or any cause of action brought pursuant to section 5, bring, in the name of the District of Columbia, a civil action for appropriate relief whenever any person, whether or not acting under color of law:

“(1) Commits a bias-related crime; or

“(2) Through any act of violence, force, fraud, or intimidation:

## ENROLLED ORIGINAL

“(A) Interferes or attempts to interfere with an individual’s exercise of any right secured by the United States Constitution or District law; or

“(B) Deprives any individual of the equal protection of the United States Constitution or District law.

“(b) In the course of an investigation to determine whether to seek relief under this section, the Attorney General may subpoena witnesses, administer oaths, require sworn written responses to written questions, examine an individual under oath, and compel production of records, books, papers, contracts, and other documents and materials, subject to the procedures in section 108d and 108e of the Attorney General for the District Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code §§ 1-301.88d and 1-301.88e).

“(c) Appropriate relief under this section may include:

“(1) Injunctive relief;

“(2) Actual or nominal damages for economic or non-economic loss, including damages for emotional distress;

“(3) Punitive damages in an amount to be determined by a jury or a court sitting without a jury, which may include treble damages for any economic or non-economic loss the person suffered;

“(4) Reasonable attorneys’ fees and costs;

“(5) A civil penalty of up to \$10,000 per act giving rise to a cause of action under subsection (a) of this section; or

“(6) Any other relief which the court determines proper.”.

Sec. 5. Chapter 1 of Title 23 of the District of Columbia Official Code is amended as follows:

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

“§ 23-115. Limits on defenses that justify, excuse, or mitigate a defendant’s conduct on the basis of a victim’s gender identity, gender expression, or sexual orientation.”.

(b) A new section 23-115 is added to read as follows:

“§ 23-115. Limits on defenses that justify, excuse, or mitigate a defendant’s conduct on the basis of a victim’s gender identity, gender expression, or sexual orientation.

“(a) In any prosecution, criminal proceeding, or criminal trial, when applicable to the offense charged, for the purposes of proving:

“(1) Heat of passion caused by adequate provocation, a defendant’s provocation was not objectively adequate if it was based on discovery of, knowledge about, or the potential disclosure of the victim’s actual or perceived gender identity, gender expression, or sexual orientation;

## ENROLLED ORIGINAL

“(2) Insanity, the defendant did not lack substantial capacity if the mental disease or defect at issue was based on discovery of, knowledge about, or the potential disclosure of the victim’s actual or perceived gender identity, gender expression, or sexual orientation; or

“(3) Self-defense, defense of others, or defense of property, the defendant was not justified in using force if the basis for their belief in imminent danger was based on discovery of, knowledge about, or the potential disclosure of the victim’s actual or perceived gender identity, gender expression, or sexual orientation.

“(b) Notwithstanding subsection (a) of this section, the defense may present evidence of prior trauma to the defendant for the purposes of excusing or justifying the defendant’s conduct or mitigating the severity of the offense.”.

**Sec. 6. Applicability.**

(a) Section 2 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

**Sec. 7. 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. 8. 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 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

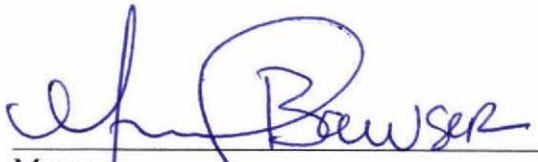
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
January 11, 2021

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-561**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To amend the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011 to require that the Office, by January 1, 2022, submit a report to the Mayor and the Council identifying the statutory and regulatory collateral consequences of criminal records and recommendations for their mitigation or elimination; to amend the District of Columbia Health Occupations Revision Act of 1985 to establish as a qualification for a license, registration, or certification that an individual must not have been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought, to create a pre-application petition process for individuals to determine their eligibility based on a criminal conviction and to require the board to respond within 90 days, to allow a board to take action against any applicant for a license, registration, or certification who has been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought or held, to prohibit a board from inquiring into or considering an applicant’s criminal conviction until after the applicant is found to be otherwise qualified, to prohibit a board from inquiring into or considering a conviction that has been sealed, expunged, vacated, or pardoned, a juvenile adjudication, or non-conviction information, to prohibit a board from considering a conviction of an offense that is not directly related to the occupation for which a license, registration, or certification is sought or held, to enumerate factors that a board must consider in totality to determine whether a conviction of an offense is directly related to the occupation for which a license, registration, or certification is sought or held, to require the Mayor, by January 1 of each year, to submit to the Council a report with data relating to each board regulating health-related occupations, to allow the Mayor to summarily suspend or restrict the health-related license, registration, or certification of a person who has been convicted of an offense that is directly related to the occupation for which a license, registration, or certification is held, to require a board, before holding a hearing, to notify an applicant, licensee, registrant, or person certified, in writing, with information about the conviction that forms the basis for the adverse decision, a copy of the individual’s criminal record, a description of information that may be provided to demonstrate rehabilitation and fitness, and information about the hearing process, to allow the applicant, licensee, registrant, or person certified 45 business days to respond, to require the board to issue a final decision within 45 business days after it receives a response, and to require a board to provide information on legal resources along with a hearing notice; and to

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amend Title 47 of the District of Columbia Official Code to establish as a qualification for a license, registration, or certification that an individual must not have been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought, to create a pre-application petition process for individuals to determine their eligibility based on a criminal conviction and to require the board to respond within 90 days, to allow a board to take action against any applicant for a license, registration, or certification who has been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought or held, to prohibit a board from inquiring into or considering an applicant's criminal conviction until after the applicant is found to be otherwise qualified, to prohibit a board from inquiring into or considering a conviction that has been sealed, expunged, vacated, or pardoned, a juvenile adjudication, or non-conviction information, to prohibit a board from considering a conviction of an offense that is not directly related to the occupation for which a license, registration, or certification is sought or held, to enumerate factors that a board must consider in totality to determine whether a conviction of an offense is directly related to the occupation for which a license, registration, or certification is sought or held, to require the Mayor, by January 1 of each year, to submit to the Council a report with data relating to each board regulating non-health related occupations, to require a board, before holding a hearing, to notify an applicant, licensee, registrant, or person certified, in writing, with information about the conviction that forms the basis for the adverse decision, a copy of the individual's criminal record, a description of information that may be provided to demonstrate rehabilitation and fitness, and information about the hearing process, to allow the applicant, licensee, registrant, or person certified 45 business days to respond, to require the board to issue a final decision within 45 business days after it receives a response, to require a board to provide information on legal resources along with a hearing notice, and to make conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2020".

Sec. 2. Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)), is amended as follows:

(a) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase “; and” in its place.

(b) A new paragraph (7) is added to read as follows:

“(7) By January 1, 2022, the Office shall prepare and submit to the Mayor and Council a report identifying the statutory and regulatory collateral consequences of criminal records in the District, along with recommendations for their mitigation or elimination.”.



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Sec. 3. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 503 (D.C. Official Code § 3-1205.03) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “a license” and inserting the phrase “a license, registration, or certification” in its place.

(B) Paragraph (1) is amended by striking the phrase “offense which bears directly on the fitness of the individual to be licensed” and inserting the phrase “offense that is directly related to the occupation for which the license, registration, or certification is sought, pursuant to a determination made under section 514(f)(2)”.

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

“(e)(1) An individual may petition the board at any time, including before obtaining education or training required for the occupation for which the license, registration, or certification is sought, to determine whether the individual would be disqualified by the board pursuant to section 514(f)(2).

“(2) The board shall render its decision on an individual's petition within 90 days after receipt of the petition.”.

(b) Section 508b (D.C. Official Code § 3-1205.08b) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase “Is of good moral character and professionally” and inserting the phrase “Is professionally” in its place.

(2) Subsection (b)(4) is amended by striking the phrase “Is of good moral character and professionally” and inserting the phrase “Is professionally” in its place.

(3) Subsection (d)(3) is amended by striking the phrase “of good moral character and professionally competent” and inserting the phrase “professionally competent” in its place.

(c) Section 509a(d)(10) (D.C. Official Code § 3-1205.09a(d)(10)) is amended to read as follows:

“(10) Has not been convicted of an offense that is directly related to the occupation for which the license is sought, pursuant to a determination made under section 514(f)(2); and”.

(d) Section 514 (D.C. Official Code § 3-1205.14) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “the disciplinary actions” and inserting the phrase “the actions” in its place.

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

“(4) Has been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought or held, pursuant to a determination made under subsection (f)(2) of this section;”.

(2) Subsection (c)(6)(D) is amended by striking the period and inserting a semicolon in its place.

(3) New subsections (f) and (g) are added to read as follows:

“(f)(1) A board shall not:

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“(A) Inquire into or consider:

“(i) An applicant’s criminal conviction until after the applicant is found by the board to be otherwise qualified; or

“(ii) For an applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District:

“(I) A conviction that has been sealed, expunged, vacated, or pardoned, including a conviction that has been set aside pursuant to the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901 *et seq.*);

“(II) A juvenile adjudication; or

“(III) Non-conviction information, including information related to a deferred sentencing agreement, participation in a diversion program, or an arrest that did not result in a conviction; or

“(B) Consider a conviction of an offense of an applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District that is not directly related to the occupation for which the license, registration, or certification is sought or held.

“(2) Pursuant to paragraph (1)(B) of this subsection, a board shall determine whether a conviction of an offense of an applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District is directly related to the occupation for which a license, registration, or certification is sought or held by considering the totality of the following factors:

“(A) Whether the elements of the offense are directly related, by clear and convincing evidence, to the specific duties and responsibilities of the occupation;

“(B) Any evidence produced by the applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District concerning their rehabilitation and fitness, including:

“(i) Evidence as to whether the applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District has recidivated;

“(ii) Evidence demonstrating compliance with any terms and conditions of probation, supervised release, or parole;

“(iii) The length of time that has elapsed since the offense was committed;

“(iv) The age at which the offense was committed;

“(v) Any circumstances related to the offense, including mitigating circumstances;

“(vi) Evidence of work history, particularly any training or work experience related to the occupation; and

“(vii) Letters of reference; and

“(C) The District’s interest in promoting employment opportunities for individuals with criminal records.

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“(g) By January 1 of each year, the Mayor shall submit a report to the Council that includes the following information from the prior fiscal year for each board regulating a health occupation:

“(1) The number of petitions filed pursuant to section 503(e) and the board’s decisions on those petitions;

“(2) The number of applications filed and, of those, the number that were not pursued by the applicant, granted, or denied, and applicants’ demographic information;

“(3) The number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District who received a notice of intent to deny, suspend, or revoke based on the person’s criminal conviction, which criminal offenses were used as a basis for the decision, and the number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District who provided additional information in response to the notice, pursuant to section 519(a-1)(1)(D);

“(4) The number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District with a criminal conviction who proceeded to a hearing, and whether those individuals were represented by counsel;

“(5) The number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District with a criminal conviction who appealed the board’s final decision, as well as the outcome of each appeal; and

“(6) A description of how each board has facilitated access to licenses, registrations, and certifications for persons with a criminal record in light of the District’s interest in promoting employment opportunities for individuals with criminal records.”.

(e) Section 515 (D.C. Official Code § 3-1205.15) is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking the phrase “a felony” and inserting the phrase “an offense that is directly related to the occupation for which the license, registration, or certification is held, pursuant to a determination made under section 514(f)(2)”.

(2) Subsection (b) is amended by striking the phrase “action, and the right of the licensee, registrant, or person certified to request a hearing” and inserting the phrase “action, the right of the licensee, registrant, person certified, or person permitted by this act to practice in the District to request a hearing, and legal resources available in the District” in its place.

(f) Section 516(a) (D.C. Official Code § 3-1205.16(a)) is amended by striking the phrase “in person” and inserting the phrase “in person, and shall include information on legal resources available in the District” in its place.

(g) Section 519 (D.C. Official Code § 3-1205.19) is amended as follows:

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

“(a-1)(1) Before holding a hearing under this section for the denial of an application for or suspension or revocation of a license, registration, or certification due to a determination made under section 514(f)(2), the board shall notify the applicant, licensee, registrant, or person certified, in writing, with the following information:

“(A) The conviction that forms the basis for the potential denial, suspension, or revocation, and the board’s reasoning for determining the offense is directly related to the

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occupation for which the license, registration, or certification is sought or held, pursuant to section 514(f)(2);

“(B) A copy of any criminal history records on which the board relies;

“(C) A statement that the applicant, licensee, registrant, or person certified may provide evidence of inaccuracies within the criminal history records;

“(D) A description of additional information that the applicant, licensee, registrant, or person certified may provide to demonstrate their rehabilitation and fitness; and

“(E) Information about the hearing procedures in this section.

“(2)(A) After receiving notice pursuant to paragraph (1) of this subsection, the applicant, licensee, registrant, or person certified shall have 45 business days to respond.

“(B) The board shall have 45 business days after the response is received to issue its final decision.”.

(2) Subsection (d) is amended by striking the phrase “hearing.” and inserting the phrase “hearing, and shall include information on legal resources available in the District” in its place.

(h) Section 521(b)(1) (D.C. Official Code § 3-1205.21(b)(1)) is amended by striking the phrase “of a crime which bears directly on the fitness of the individual to be licensed, registered, or certified” and inserting the phrase “for an offense that is directly related to the occupation for which the license, registration, or certification was held, pursuant to a determination made under section 514(f)(2)” in its place.

(i) Section 522(a) (D.C. Official Code § 3-1205.22) is amended by striking the phrase “No license” and inserting the phrase “Subject to the limitations in section 514(f), no license” in its place.

(j) Section 523 (D.C. Official Code § 3-1205.23) is amended as follows:

(1) The section heading is amended by striking the phrase “incarceration for felony or misdemeanor conviction.” and inserting the phrase “incarceration.” in its place.

(2) The existing text is amended by striking the phrase “of a felony or misdemeanor” and inserting the phrase “of an offense that is directly related to the occupation for which the license, registration, or certification is held, pursuant to section 514(f)(2)” in its place.

(k) Section 862(a)(3) (D.C. Official Code § 3-1208.62(a)(3)) is amended to read as follows:

“(3) Has not been convicted of an offense that is directly related to the practice of veterinary medicine, pursuant to a determination made under section 514(f)(2).”.

(l) Section 1010(b) (D.C. Official Code § 3-1210.10(b)) is amended by striking the phrase “The Corporation Counsel” and inserting the phrase “The Attorney General” in its place.

Sec. 4. Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.12 is amended as follows:

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

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“(1) Has not been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought, pursuant to a determination made under § 47-2853.17(c-1)(2);”.

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

“(n)(1) A person may petition a board at any time, including before obtaining education or training required for the occupation for which the license, registration, or certification is sought, to determine whether the person would be disqualified by the board pursuant to § 47-2853.17(c-1)(2).

“(2) The board shall render its decision on a person’s petition within 90 days after receipt of the petition.”.

(b) Section 47-2853.17 is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “voting may take 1 or more of the disciplinary actions” and inserting the phrase “voting, may take one or more of the actions” in its place.

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

“(5) Has been convicted of an offense that is directly related to the occupation for which the license, registration, or certification is sought or held, pursuant to a determination made under subsection (c-1)(2) of this section;”.

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

(A) The lead-in language is amended by striking the phrase “licensee, or person” and inserting the phrase “licensee, registrant, person certified, or person” in its place.

(B) Paragraph (2) is amended by striking the phrase “the license of any licensee or the certificate of a certified person, or may refuse to register a person” and inserting the phrase “the license, registration, or certification of any licensee, registrant, or person certified” in its place.

(C) Paragraph (4) is amended by striking the phrase “any licensee or person” and inserting the phrase “any licensee, registrant, person certified, or person” in its place.

(D) Paragraph (5) is amended by striking the phrase “licensee, or person” and inserting the phrase “licensee, registrant, person certified, or person” in its place.

(3) Subsections (c-1) and (c-2) are amended to read as follows:

“(c-1)(1) A board shall not:

“(A) Inquire into or consider:

“(i) An applicant’s criminal conviction until after the applicant is found by the board to be otherwise qualified; or

“(ii) For an applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District:

“(I) A conviction that has been sealed, expunged, vacated, or pardoned, including a conviction that has been set aside pursuant to the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901 *et seq.*);

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“(II) A juvenile adjudication; or

“(III) Non-conviction information, including information related to a deferred sentencing agreement, participation in a diversion program, or an arrest that did not result in a conviction; or

“(B) Consider a conviction of an offense of an applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District that is not directly related to the occupation for which the license, registration, or certification is sought or held.

“(2) Pursuant to paragraph (1)(B) of this subsection, a board shall determine whether a conviction of an offense of an applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District is directly related to the occupation for which a license, registration, or certification is sought or held by considering the totality of the following factors:

“(A) Whether the elements of the offense are directly related, by clear and convincing evidence, to the specific duties and responsibilities of the occupation;

“(B) Any evidence produced by the applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District concerning their rehabilitation and fitness, including:

“(i) Evidence as to whether the applicant, licensee, registrant, person certified, or person permitted by this act to practice in the District has recidivated;

“(ii) Evidence demonstrating compliance with any terms and conditions of probation, supervised release, or parole;

“(iii) The length of time that has elapsed since the offense was committed;

“(iv) The age at which the offense was committed;

“(v) Any circumstances related to the offense, including mitigating circumstances;

“(vi) Evidence of work history, particularly any training or work experience related to the occupation; and

“(vii) Letters of reference; and

“(C) The District’s interest in promoting employment opportunities for individuals with criminal records.

“(c-2) By January 1 of each year, the Mayor shall submit a report to the Council that includes the following information from the prior fiscal year for each board:

“(1) The number of petitions filed pursuant to § 47-2853.12(n) and the board’s decisions on those petitions;

“(2) The number of applications filed and, of those, the number that were not pursued by the applicant, granted, or denied, and applicants’ demographic information;

“(3) The number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District who received a notice of intent to deny, suspend, or revoke based on the person’s criminal conviction, which criminal offenses were used as a basis for the decision, and the number of applicants, licensees, registrants, persons certified, or persons

## ENROLLED ORIGINAL

permitted by this act to practice in the District who provided additional information in response to the notice, pursuant to § 47-2853.22(a-1)(1)(D);

“(4) The number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District with a criminal conviction who proceeded to a hearing, and whether those individuals were represented by counsel;

“(5) The number of applicants, licensees, registrants, persons certified, or persons permitted by this act to practice in the District with a criminal conviction who appealed the board’s final decision, as well as the outcome of each appeal; and

“(6) A description of how each board has facilitated access to licenses, registrations, and certifications for persons with a criminal record in light of the District’s interest in promoting employment opportunities for individuals with criminal records.”.

(c) Section 47-2853.18 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “a licensee presents an imminent danger to the health and safety of persons in the District, the Mayor may summarily suspend or restrict, without a hearing, the license to” and inserting the phrase “a licensee, registrant, person certified, or person permitted by this act to practice in the District, presents an imminent danger to the health and safety of persons in the District, the Mayor may summarily suspend or restrict, without a hearing, the license, registration, certification, or permission to” in its place.

(2) Subsection (b) is amended by striking the phrase “action that is being taken, the basis for the action, and the right of the licensee to request a hearing” and inserting the phrase “action that is being taken, the right of the licensee, registrant, person certified, or person permitted by this act to practice in the District to request a hearing, and legal resources available in the District” in its place.

(3) Subsection (c) is amended by striking the phrase “A licensee shall have the right to request a hearing within 72 hours after service of notice of the summary suspension or restriction of license” and inserting the phrase “A licensee, registrant, person certified, or person permitted by this act to practice in the District shall have the right to request a hearing within 72 hours after service of notice of the summary suspension or restriction of license, registration, certification, or permission” in its place.

(4) Subsection (d) is amended by striking the phrase “adverse to a licensee” and inserting the phrase “adverse to a licensee, registrant, person certified, or person permitted to practice by this act in the District” in its place.

(d) Section 47-2853.22 is amended as follows:

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

“(a-1)(1) Before holding a hearing under this section due to a determination made under § 47-2853.17(c-1)(2), the board shall notify the applicant, licensee, registrant, person certified, or person permitted to practice by this act in the District, in writing, with the following information:

“(A) The conviction that forms the basis for the action, and the board’s reasoning for determining the offense is directly related to the occupation for which the license, registration, or certification is sought or held, pursuant to § 47-2853.17(c-1)(2);

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“(B) A copy of any criminal history records on which the board relies;

“(C) A statement that the applicant, licensee, registrant, person certified, or person permitted to practice by this act in the District may provide evidence of inaccuracies within the criminal history records;

“(D) A description of additional information that the applicant, licensee, registrant, person certified, or person permitted to practice by this act in the District may provide to demonstrate their rehabilitation and fitness; and

“(E) Information about the hearing procedures in this section.

“(2)(A) After receiving notice pursuant to paragraph (1) of this subsection, the applicant, licensee, registrant, person certified, or person permitted to practice shall have 45 business days to respond.

“(B) The board shall have 45 business days after the response is received to issue its final decision.”.

(2) Subsection (d) is amended by striking the phrase “hearing.” and inserting the phrase “hearing, and shall include information on legal resources available in the District.” in its place.

(e) Section 47-2853.24(b)(1) is amended by striking the phrase “of a crime which bears directly on the fitness of the person to be licensed,” and inserting the phrase “of an offense that is directly related to the occupation for which the license, registration, or certification was held, pursuant to a determination made under § 47-2853.17(c-1)(2)” in its place.

(f) Section 47-2853.42(1) is repealed.

(g) Section 47-2853.62(1) is repealed

(h) Section 47-2853.112(1) is repealed.

(i) Section 47-2853.117(1) is repealed.

(j) Section 47-2853.132(a)(1) is repealed.

(k) Section 47-2885.10(a)(1) is amended to read as follows:

“(1) Conviction of an offense that is directly related to the occupation for which the license is held, pursuant to a determination made under § 47-2853.17(c-1)(2), or a finding by the Mayor that any provision of this part has been violated;”.

(l) Section 47-2887.04(a)(8) is amended by striking the phrase “of a crime that, if committed in the District of Columbia, would be a crime involving moral turpitude or a felony, and identify the crime” and inserting the phrase “of an offense that is directly related to the occupation for which the registration is sought, pursuant to a determination made under § 47-2853.17(c-1)(2)” in its place.

(m) Section 47-2887.05 is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase “of a crime that, if committed in the District of Columbia, would be a crime involving moral turpitude or a felony” and inserting the phrase “of an offense that is directly related to the occupation for which the registration is sought, pursuant to a determination made under § 47-2853.17(c-1)(2)” in its place.

(2) Subsection (c) is amended by striking the phrase “In making” and inserting the phrase “Except as otherwise provided in § 47-2853.17(c-1), in making” in its place.



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(n) Section 47-2888.04(a) is amended as follows:

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

“(1) Conviction of an offense that is directly related to the occupation for which the license is sought or held, pursuant to a determination made under § 47-2853.17(c-1)(2);”.

(2) Paragraph (3) is amended by striking the phrase “violated, or that any law or regulation of the District or of the United States relating to animals or drugs has been violated by any person named in the application for a veterinary facility;” and inserting the phrase “violated;” in its place.

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  
January 11, 2021

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-562**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To amend An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia to clarify that the owner of a service animal in training may serve as the accompanied trainer of that animal.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Service Animal in Training Clarification Amendment Act of 2020".

Sec. 2. An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 970; D.C. Official Code § 7-1001 *et seq.*), is amended as follows:

(a) Section 2(c) (D.C. Official Code § 7-1002(c)) is amended to read as follows:

"(c) Every service animal trainer who is training an animal to be a service animal or owner of a service animal in training shall have the same access and liability conferred upon a person with physical or mental disabilities pursuant to subsection (b) of this section when accompanied by the service animal in training."

(b) Section 8(6)(C) (D.C. Official Code § 7-1009(6)(C)) is amended by striking the phrase "animal trainer; and" and inserting the phrase "animal trainer or the animal's owner; and" in its place.

Sec. 3. Fiscal impact statement.


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


Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 11, 2021

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 23-563**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 11, 2021**

To ban non-compete provisions in employment contracts and employer policies, to protect employees from being required to sign non-compete agreements, to make void and unenforceable non-compete provisions entered into after the applicability date of this act, to prohibit an employer from retaliating or threatening to retaliate against an employee for refusing to agree to a non-compete provision, the failure to comply with the employer's non-compete provision or policy, or inquiring about the employee's rights or informing another person or entity about a possible violation of Title I of this act, to exempt medical specialists from certain of Title I's requirements, to protect medical specialists by requiring their employers to provide employees 14 days' notice of non-compete provisions and notice of their rights under Title I, to require that employers inform employees of Title I of this act, to require that the Mayor and the Attorney General administer and enforce Title I of this act consistent with their respective powers and rights under An Act To provide for the payment and collection of wages in the District of Columbia and the District's Administrative Procedure Act, to authorize the Mayor to collect administrative penalties for violations of Title I of this act, to authorize employees to bring administrative complaints and civil actions against employers for violations of Title I of this act, to provide statutory penalties for violations of Title I of this act; to amend An Act To provide for the payment and collection of wages in the District of Columbia to provide that revenue from administrative penalties recovered under Title I of this act shall be deposited into the Wage Theft Prevention Fund and used to enforce the provisions of Title I of this act and other employee protection laws; and to repeal the Broadcast Industry Contracting Freedom Act of 2002.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ban on Non-Compete Agreements Amendment Act of 2020".

## TITLE I. BAN ON NON-COMPETE AGREEMENTS

## Sec. 101. Definitions.

For the purposes of this title, the term:

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(1) "An Act" means An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*).

(2) "Employee" means an individual who performs work in the District on behalf of an employer and any prospective employee who an employer reasonably anticipates will perform work on behalf of the employer in the District; except, that this term shall not include:

(A) An individual who, without payment and without expectation of any gain, directly or indirectly, volunteers to engage in the activities of an educational, charitable, religious, or nonprofit organization;

(B) A lay member elected or appointed to office within the discipline of any religious organization and engaged in religious functions;

(C) An individual employed as a casual babysitter, in or about the residence of the employer; or

(D) A medical specialists.

(3) "Employer" means an individual, partnership, general contractor, subcontractor, association, corporation, or business trust operating in the District, or any person or group of persons acting directly or indirectly in the interest of an employer operating in the District in relation to an employee, including a prospective employer, but does not mean the District of Columbia government or the United States government.

(4) "Medical specialist" means an individual who performs work in the District on behalf of an employer engaged primarily in the delivery of medical services and who:

(A) Holds a license to practice medicine;

(B) Is a physician;

(C) Has completed a medical residency; and

(D) Has total compensation of at least \$250,000 per year.

(5) "Non-compete provision" means a provision of a written agreement between an employer and an employee that prohibits the employee from being simultaneously or subsequently employed by another person, performing work or providing services for pay for another person, or operating the employee's own business. The term "non-compete provision" does not include:

(A) An otherwise lawful provision that restricts the employee from disclosing the employer's confidential, proprietary, or sensitive information, client list, customer list, or a trade secret, as that term is defined in section 2(4) of the Uniform Trade Secrets Act of 1988, effective March 16, 1989 (D.C. Law 7-216; D.C. Official Code § 36-401(4)); or

(B) An otherwise lawful provision contained within or executed contemporaneously with an agreement between the seller of a business and one or more buyers of that business wherein the seller agrees not to compete with the buyer's business.

(5) "Retaliate" means to take an adverse action, including a threat, verbal

## ENROLLED ORIGINAL

warning, written warning, reduction of work hours, suspension, or termination against one or more employees or medical specialists.

(6) "Workplace policy" means the rules and restrictions, whether written or as a matter of practice, implemented by an employer to govern the conduct of the employer's employees.

Sec. 102. Non-compete rights and restrictions.

(a) No employer may require or request that an employee sign an agreement that includes a non-compete provision.

(b) A non-compete provision contained in an agreement that was entered into on or after the applicability date of this title between an employee and an employer shall be void as a matter of law and unenforceable.

(c) No employer may have a workplace policy that prohibits an employee from:

- (1) Being employed by another person;
- (2) Performing work or providing services for pay for another person; or
- (3) Operating the employee's own business.

(d) No employer may retaliate or threaten to retaliate against an employee for:

(1) The employee's refusal to agree to a non-compete provision;

(2) The employee's alleged failure to comply with a non-compete provision or a workplace policy made unlawful by this title;

(3) Asking, informing, or complaining about the existence, applicability, or validity of a non-compete provision or a workplace policy that the employee reasonably believes is prohibited under this title to any of the following:

- (A) An employer, including the employee's employer;
- (B) A coworker;
- (C) The employee's lawyer or agent; or
- (D) A governmental entity; or

(4) Requesting from the employer the information required to be provided to the employee pursuant to subsection (e) of this section.

(e)(1) An employer shall provide an employee who works for the employer with the text of paragraph (2) of this subsection in writing, no later than:

(A) Ninety calendar days after the applicability date of this title;

(B) Seven calendar days after an individual becomes an employee of the employer; and

(C) Fourteen calendar days after the employer receives a written request for such statement from the employee.

(2) "No employer operating in the District of Columbia may request or require any employee working in the District of Columbia to agree to a non-compete policy or agreement, in accordance with the Ban on Non-Compete Agreements Amendment Act of 2020."

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Sec. 103. Protections for medical specialists.

(a) An employer that seeks to have a medical specialist execute a non-compete provision as a condition of employment shall provide:

(1) The proposed non-compete provision directly to the medical specialist at least 14 days before execution of the agreement containing the provision; and

(2) The following written notice to the medical specialist at the same time the employer provides the proposed non-compete provision to the medical specialist: "The Ban on Non-Compete Agreements Amendment Act of 2020 allows employers operating in the District of Columbia to request non-compete terms or agreements (also known as "covenants not to compete") from medical specialists they plan to employ. The prospective employer must provide the proposed non-compete provision directly to the medical specialist at least 14 days before execution of the agreement containing the provision. Medical specialists are individuals who: (1) perform work on behalf of an employer engaged primarily in the delivery of medical services; (2) hold a license to practice medicine; (3) have completed a medical residency; and (4) have total compensation of at least \$250,000 per year."

(b) No employer may retaliate or threaten to retaliate against a medical specialist for:

(1) Asking, informing, or complaining about conduct required or prohibited under this section to:

- (A) An employer, including the medical specialist's employer;
- (B) A coworker;
- (C) The medical specialist's lawyer or agent; or
- (D) A governmental entity; or

(2) Requesting from the employer the information required to be provided to the medical specialist pursuant to subsection (a) of this section.

Sec. 104. Relief and penalties.

(a)(1) The Mayor and Attorney General for the District of Columbia ("Attorney General") shall administer and enforce this title consistent with their respective powers and rights under section 6(a), (b), and (c) of An Act.

(2)(A) Any records an employer maintains pursuant to the requirements of regulations issued to implement this title shall be open and made available for inspection or transcription by the Mayor, the Mayor's authorized representative, or the Office of the Attorney General upon demand at any reasonable time. An employer shall furnish to the Mayor, the Mayor's authorized representative, or the Office of the Attorney General on demand a sworn statement of records and information on forms prescribed or approved by the Mayor or Attorney General.

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(B) No employer may be found to be in violation of subparagraph (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney General's demand before a judge, including an administrative law judge.

(b)(1) The Mayor may assess an administrative penalty of no less than \$350 and no more than \$1,000 for each violation of this title; except, that the penalty for each violation of section 102(d) and 103(b) assessed against an employer shall be for not less than \$1,000.

(2) The Mayor may not collect an administrative penalty under this subsection unless the Mayor has provided the employer alleged to have violated this title notification of the violation, notification of the amount of the administrative penalty to be imposed, and an opportunity to request a formal hearing held pursuant to the Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and section 8a(e) of An Act.

(c)(1) A person aggrieved by a violation of this title may pursue relief by filing:

(A) An administrative complaint with the Mayor setting forth facts minimally sufficient to allege a violation of this title; or

(B) A civil action in a court of competent jurisdiction. In such action, a plaintiff shall carry the burden of proof by a preponderance of evidence.

(2)(A)(i) The procedures set forth in section 8a(c) through (m) of An Act, shall govern the conciliation, resolution, and enforcement of an administrative complaint filed pursuant to paragraph (1)(A) of this subsection; except, that section 8a(e)(4) and (5) of An Act, shall not apply.

(ii) Appeals of any administrative order issued under this title shall be made to the District of Columbia Court of Appeals.

(B) Section 8 of An Act shall apply to any civil action filed pursuant to paragraph (1)(B) of this subsection.

(d) Upon investigation by the Mayor pursuant to subsection (a) of this section or in an action to enforce this title pursuant to subsection (c) of this section, an employer found to have violated section 102 or 103 shall be liable for relief payable to an employee or medical specialist as follows:

(1)(A) An employer that violates section 102(a), (c), or (e), or section 103(a) shall be liable for each violation to each employee or medical specialist subjected to the violation for monetary relief in an amount not less than \$500 and not greater than \$1,000.

(B) For any subsequent violation of section 102(a), (c), or (e), or section 103(a), an employer that has been found liable pursuant to subparagraph (A) of this paragraph shall be liable for relief in an amount not less than \$3,000 to each affected employee or medical specialist.

(2)(A) An employer that attempts to enforce a non-compete provision that is unenforceable or void as provided in section 102(b) shall be liable to each employee against



## ENROLLED ORIGINAL

whom the employer attempted to enforce the non-compete provision for relief in an amount not less than \$1,500.

(B) For any subsequent violation of section 102(b), an employer that has been found liable pursuant to subparagraph (A) of this paragraph shall be liable for relief in an amount not less than \$3,000 to each affected employee.

(3)(A) An employer that retaliates against an employee in violation of section 102(d) or section 103(b) shall be liable for each instance of retaliation to each employee or medical specialist subject to the retaliation in an amount not less than \$1,000 and not more than \$2,500.

(B) For any subsequent violation of section 102(d) or 103(b), an employer that has been found liable pursuant to subparagraph (A) of this paragraph shall be liable for relief in an amount not less than \$3,000 to each affected employee or medical specialist.

Sec. 105. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title, including rules requiring employers to keep, preserve, and retain records related to compliance with this title.

TITLE II. BAN ON NON-COMPETE AGREEMENTS; WAGE THEFT PREVENTION FUND

Sec. 201. Section 7a of An Act To provide for the payment and collection of wages in the District of Columbia, effective February 26, 2015 (D.C. Law 20-157; D.C. Official Code § 32-1307.01), is amended as follows:

(a) Subsection (b) is amended by striking the phrase “section 7” and inserting the phrase “section 7 and section 104(a) and (b) of the Ban on Non-Compete Agreements Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-494) (“Ban on Non-Compete Agreements Act”)” in its place.

(b) Subsection (c) is amended by striking the phrase “this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, and the Living Wage Act” and inserting the phrase “this act, Title I of the Ban on Non-Compete Agreements Act, the Living Wage Act, the Minimum Wage Revision Act, and the Sick and Safe Leave Act” in its place.

TITLE III. REPEALER; APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. The Broadcast Industry Contracting Freedom Act of 2002, effective March 27, 2003 (D.C. Law 14-258; D.C. Official Code § 32-571 *et seq.*), is repealed.

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Sec. 302. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 303. Fiscal impact statement.

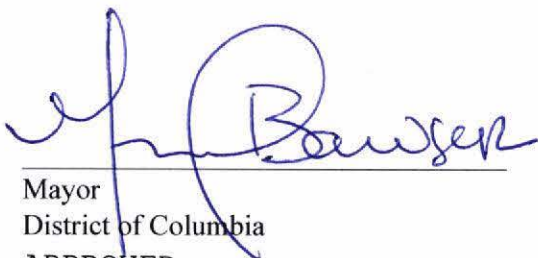
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 304. 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  
January 11, 2021

## ENROLLED ORIGINAL

## A RESOLUTION

24-6

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Unemployment Compensation Act to qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Unemployment Benefits Extension Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On October 20, 2020, the Council passed the Unemployment Benefits Extension Emergency Amendment Act of 2020, effective October 29, 2020 (D.C. Act 23-0435; 67 DCR 9870) (“Emergency Act”), which is set to expire on January 27, 2021. The Emergency Act allows District workers to access additional weeks of unemployment insurance benefits when the District’s unemployment rate meets the required threshold and full federal funding is available.

(b) On November 10, 2020, the Council passed the Unemployment Benefits Extension Temporary Amendment Act of 2020, enacted December 7, 2020 (D.C. Act 23-502; 67 DCR 14388) (“Temporary Act”). The bill has not yet been transmitted to Congress for review due to the end of the congressional session, and therefore the temporary legislation is not yet effective.

(c) On December 15, 2020, the Council passed the Unemployment Benefits Extension Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-985), which was transmitted to the Mayor on December 29, 2020, and is under mayoral review.

(d) To prevent a gap in the law between the expiration of the Emergency Act and the effective date of the Temporary Act, it is necessary to approve congressional review emergency legislation.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Unemployment Benefits Extension Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

24-7

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to require employers to adopt and implement social distancing policies that adhere to Mayor's Order 2020-080 or subsequent Mayor's Order, to prohibit retaliation against an employee who refuses to work with or serve an individual who refuses to comply with Mayor's Order 2020-080, to prohibit retaliation against employees because the employee tests positive for or is quarantining because of COVID-19, or is caring for someone who has symptoms of or is quarantining because of COVID-19, and to prohibit retaliation against an employee who attempts to exercise any right or protection under Title I of this act or to stop or prevent a violation of the worker safety provisions of Title I of this act, to authorize the Mayor and Attorney General to administer and enforce workplace and employee protections in Title I of this act, to authorize the Attorney General to bring civil actions in a court of competent jurisdiction, to authorize the Chief Procurement Officer to enter into an indefinite duration/indefinite quantity contract to assist eligible businesses in the purchase of personal protective equipment and other supplies related to the containment of COVID-19, to permit federal laws, polices, and standards or a Mayor's Order that contains stricter personal protective equipment standards to preempt the terms of Title I of this act; and to amend the Small and Certified Business Enterprise Act of 2005 to authorize the Mayor to issue grants for small businesses to purchase or receive reimbursements for the purchase of personal protective equipment for their employees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Declaration Resolution of 2021".

Sec. 2. (a) On July 28, 2020, the Council passed the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020, effective August 13, 2020 (D.C. Act 23-384; 67 DCR 9870) ("emergency Act"). The corresponding Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Amendment Act of 2020 (D.C. Act 23-483; 67 DCR 13860) ("congressional review emergency Act"), is set to expire on February 13, 2021. The emergency Act created important COVID-19-related workers' rights, including protections

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against retaliation if workers act to protect their safety and health, and enforcement mechanisms; and the emergency Act authorized additional resources for businesses to purchase personal protective equipment during the COVID-19 public health emergency.

(b) On September 22, 2020, the Council passed the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020, enacted October 28, 2020 (D.C. Act 23-443). It was transmitted to Congress on November 5, 2020, and is currently under congressional review.

(c) In order to prevent a possible gap in the law between the expiration of the congressional review emergency Act and the effective date of the temporary legislation, it is necessary to approve congressional review emergency legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Protecting Businesses and Workers from COVID-19 Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

24-8

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to immediately clarify grantor agencies' obligation to maintain sole source justifications and final agency justifications related to the selection of grantees and to produce such documents upon request of the Mayor or a member of the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Government Grant Transparency Congressional Review Emergency Declaration Resolution of 2021".

Sec. 2. (a) On September 21, 2020, the Council passed the Government Grant Transparency Emergency Amendment Act of 2020, effective October 15, 2020 (D.C. Act 23-420; 67 DCR 12263) ("emergency act"), which expires on January 12, 2021. The emergency act makes necessary clarifications to section 1095(2)(A) of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.14(2)(A)), to permit the Council to request, and promptly receive, the sole source justifications and final agency justifications for grants the Council authorizes agencies to issue.

(b) On October 6, 2020, the Council passed the Government Grant Transparency Temporary Amendment Act of 2020, enacted on November 4, 2020 (D.C. Act 23-0460; 67 DCR 13230) ("temporary act"), which is undergoing congressional review.

(c) This emergency legislation is necessary to prevent a possible gap in the law between the expiration of the emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Government Grant Transparency Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

24-9

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to provide the Mayor the authority to make a property ineligible for residential parking permits when it is a condition of a zoning order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “RPP Voluntary Exclusion Congressional Review Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On July 21, 2020, the Council passed the RPP Voluntary Exclusion Emergency Act of 2020, effective August 14, 2020 (D.C. Act 23-385; 67 DCR 9876), which expired on November 11, 2020.

(b) On September 22, 2020, the Council passed the RPP Voluntary Exclusion Temporary Act of 2020, effective December 23, 2020 (D.C. Law 23-164; 67 DCR 13232) (“temporary act”).

(c) On October 6, 2020, the Council passed the RPP Voluntary Exclusion Congressional Review Emergency Act of 2020, effective October 26, 2020 (D.C. Act 23-428; 67 DCR 12971) (“congressional review emergency act”), which will expire on January 23, 2021.

(d) This emergency legislation is necessary to prevent a possible gap in the law between the expiration of the congressional review emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the RPP Voluntary Exclusion Congressional Review Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



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## A RESOLUTION

24-10

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to provide that expenditures on school-administered theatrical and music performances, including stipends for non-District of Columbia Public Schools employees, shall be allowable expenditures from a school's Student Activity Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Student Activity Fund Theatrical and Music Performance Expenditures Emergency Declaration Resolution of 2021".

Sec. 2. (a) On July 21, 2020, the Council passed the Student Activity Fund Theatrical and Music Performance Expenditures Emergency Act of 2020, effective August 13, 2020 (D.C. Act 23-379; 67 DCR 9859) ("emergency act"), which expired on November 10, 2020.

(b) On September 22, 2020, the Council passed the Student Activity Fund Theatrical and Music Performance Expenditures Temporary Act of 2020, effective December 23, 2020 (D.C. Law 23-165; 67 DCR 13234) ("temporary act"), which will expire on August 4, 2021.

(c) On October 6, 2020, the Council passed the Student Activity Fund Theatrical and Music Performance Expenditures Congressional Review Emergency Act of 2020, effective October 26, 2020 (D.C. Act 23-429; 67 DCR 12973) ("congressional review emergency act"), which will expire on January 23, 2021.

(d) This emergency legislation is necessary to prevent a possible gap in the law between the expiration of the congressional review emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Student Activity Fund Theatrical and Music Performance Expenditures Congressional Review Emergency Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

24-11

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Rental Housing Act of 1985 to require a housing provider to serve a written notice to vacate on a tenant before evicting the tenant for any reason, to require a housing provider to provide the tenant with notice of the housing provider's intent to file a claim against a tenant to recover possession of a rental unit at least 30 days before filing the claim, to require the Superior Court to dismiss a claim brought by a housing provider to recover possession of a rental unit where the housing provider, in cases where a notice to quit or a summons and complaint are served by posting on the leased premise, failed to provide the Superior Court with photographic evidence of the posted service, to provide that no tenant shall be evicted from a rental unit for which the housing provider does not have a current business license for rental housing, to require the Superior Court to seal certain eviction records, to authorize the Superior Court to seal certain evictions records upon motion by a tenant, to provide that a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on certain criteria, to require a housing provider to provide written notice to a prospective tenant of the housing provider's basis for taking adverse action against the prospective tenant, to provide the tenant an opportunity to dispute the information forming the basis of the housing provider's adverse action; to amend section 16-1501 of the District of Columbia Official Code to provide that the person aggrieved shall not file a complaint seeking restitution of possession for nonpayment of rent in an amount less than \$600; and to declare the sense of the Council that the Superior Court should raise filing fees for eviction cases to \$100.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fairness in Renting Congressional Review Emergency Declaration Resolution of 2021".

Sec. 2. (a) On October 6, 2020, the Council passed the Fairness in Renting Emergency Amendment Act of 2020, effective November 10, 2020 (D.C. Act 23-497; 67 DCR 13949) ("emergency act"), which will expire on February 7, 2021.

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(b) On October 20, 2020, the Council passed the Fairness in Renting Temporary Amendment Act of 2020, enacted on November 18, 2020 (D.C. Act 23-499; 67 DCR 113959), which is undergoing congressional review, and may not be in effect on February 7, 2021.

(c) This emergency legislation is necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fairness in Renting Congressional Review Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

24-12

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency with respect to the need to amend the District of Columbia Nonresident Tuition Act to allow District of Columbia students enrolled at District of Columbia Public Schools or public charter schools, who attend non-public schools or programs, to continue their education for the remainder of the school year in which legal permanency is achieved and through the end of the following school year, without payment of nonresident tuition, if the child ceases to be in the care and custody of the District as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Non-Public Student Educational Continuity Emergency Declaration Resolution of 2021”.

Sec. 2. (a) In 2014, the Council approved the Educational Continuity Amendment Act of 2014 (“act”), as part of D.C. Law 20-155, the Fiscal Year 2015 Budget Support Act of 2014. The act created a residency exemption for wards of the District, allowing youth under the care of the District to continue to attend their District of Columbia Public Schools (“DCPS”) school or public charter school if they are placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District. This provides for continuity in their education.

(b) Unfortunately, the act left out students who are enrolled in a DCPS or District public charter school but are attending a non-public school or program. When these students cease to be wards of the District and are placed in the permanent care of an individual who resides outside of the District, the District stops paying tuition to the students’ non-public schools. In turn, they often have to leave the non-public schools, or their new guardians have to find thousands of dollars to pay their tuition. Arguably, these students need continuity in their education the most.

(c) In 2020, the Council learned that numerous students were impacted by the lapse in the act, so the Council approved D.C. Act 23-242, the Non-Public Student Educational Continuity Emergency Amendment Act of 2020, and D.C. Law 23-104, the Non-Public Student Educational Continuity Temporary Amendment Act of 2020. D.C. Act 23-242 expired on May 31, 2020, and

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D.C. Law 23-104 expires on January 28, 2021. Permanent legislation has not yet been passed to address the lapse in the act.

(e) A second round of emergency legislation is necessary to continue to provide the Office of the State Superintendent of Education the clarity it needs to ensure that non-public students maintain the continuity of education afforded to students who are not in non-public placements.

(f) To ensure that there is no gap between D.C. Law 23-104 and the proposed emergency measure, an applicability date of January 28, 2021, has been added to the emergency measure.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Non-Public Student Educational Continuity Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

24-13

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency with respect to the need to amend the Health Care Privatization Amendment Act of 2001 to align the enrollment process and enrollment period for the DC HealthCare Alliance with requirements for DC Medicaid; to amend the Department of Health Care Finance Establishment Act of 2007 to make the funding in the Medicaid Reserve non-lapsing and to require that all unspent local funds of the Department of Health Care Finance in Fiscal Year 2021 be deposited into the Medicaid Reserve; to amend Title 47 of the District of Columbia Official Code to require that any reprogramming of funding from the Department of Health Care Finance or the Medicaid Reserve to be approved by resolution in Fiscal Year 2021; and to require the Office of the Chief Financial Officer to notify the Council within 3 business days if funds in the Medicaid Reserve are no longer required for the Department of Health Care Finance.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Department of Health Care Finance Alliance Reform and Budget Transparency Emergency Declaration Resolution of 2021”.

Sec 2. (a)(1) On December 5, 2017, the Council passed the D.C. Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017, effective February 17, 2018 (D.C. Law 22-62; 65 DCR 9). This legislation eliminated the requirement for persons enrolled in the D.C. HealthCare Alliance (“Alliance”) to recertify in person with the Department of Human Services and extended the enrollment period from 6 months to one year to align the Alliance’s enrollment period with that of Medicaid.

(2) The Office of the Chief Financial Officer estimated that the legislation would have a fiscal impact on the District’s 4-year budget and financial plan of \$105,216,288 in a fiscal impact statement dated October 5, 2017.

(3) On June 26, 2018, the Council approved the D.C. HealthCare Alliance Re-Enrollment Without Fear Act of 2018, as part of the Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168; 65 DCR 9388). This legislation required that any reprogrammings of funds out of the Department of Health Care Finance in Fiscal Year

## ENROLLED ORIGINAL

2019 required approval by Council resolution. The Council approved this legislation because it believed that the fiscal estimate for the D.C. Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017 was overstated and that there would be underspending in the Medicaid provider payments sufficient to pay for the Alliance reforms that the Office of the Chief Financial Officer would not certify at the time the Fiscal Year 2019 budget was adopted.

(4) The Executive elected not to reprogram any funds from the Department of Health Care Finance in Fiscal Year 2019, and instead, in the Fiscal Year 2019 Revised Local Budget Emergency Act of 2019, effective July 8, 2019 (D.C. Act 23-75; 66 DCR 8078), the Mayor swept \$10 million in local funds from Department of Health Care Finance, Program 5000 based upon projected underspending in provider payments. This is the same program that contains budget activity 5003 – Alliance Provider Payments, and these funds could have been used to pay for the costs of any Alliance reforms in Fiscal Year 2019.

(5) The D.C. Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017 was repealed in the Fiscal Year 2021 Budget Support Act of 2020, effective December 3, 2020 (D.C. Law 23-149; 67 DCR 10493) because the Council was unable to satisfy the extraordinary amount of funds required by the fiscal impact statement.

(b)(1) When COVID-19 hit the District of Columbia, the Executive removed the face-to-face certification requirement and stopped disenrolling anyone from the Alliance Program. However, the high costs projected by the Office of the Chief Financial Officer in the fiscal impact statement did not materialize, and any modest increase to the Alliance budget appeared to be driven by the fact that no one was being disenrolled from the Alliance Program through normal attrition.

(2) After the end of Fiscal Year 2020, on October 22, 2020, the Executive reprogrammed \$28,298,655 of local funds from the Department of Health Care Finance, Program 5000 to support \$43,000,000 in overtime spending at the Metropolitan Police Department. Program 5000 is the same program that contains budget activity 5003 – Alliance Provider Payments, and these funds could have been used to pay for the cost of any Alliance reforms in Fiscal Year 2020, or the funds could have been carried forward to future fiscal years preserving the Healthy DC and Health Care Expansion Fund's dedicated tax non-lapsing funds.

(3) Based upon Fiscal Year 2020 end-of-year actual spending and current enrollment projections, it appears that there will be substantial underspending in the Medicaid Reserve and Department of Health Care Finance, Program 5000 in Fiscal Year 2021, and that, at a minimum, the \$17,540,000 in the Medicaid Reserve will no longer be required for Medicaid Provider payments, and instead may be dedicated for reforms of the D.C. HealthCare Alliance.

(4) There exists a risk that Fiscal Year 2021 funds appropriated for health care purposes in the Medicaid Reserve and the Department of Health Care Finance could again be swept away for general budget gap-closing when the Executive presents the proposed Fiscal Year 2022 budget and revised Fiscal Year 2021 budget to the Council, without first ensuring that Alliance reforms implemented during COVID-19 are permanently enacted by statute.

**ENROLLED ORIGINAL**

(5) This emergency legislation requires the Chief Financial Officer to alert the Council within 3 business days if it determines that the Medicaid Reserve is no longer needed by the Department of Health Care Finance, so the Council will have the opportunity to effectuate the Alliance reforms from available appropriated funds prior to the release of the Mayor's Fiscal Year 2022 budget.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Health Care Finance Alliance Reform and Budget Transparency Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-307

COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To celebrate and honor the 100<sup>th</sup> Anniversary of Housing Cooperatives in the District of Columbia.

WHEREAS, October 2020 is National Co-op Month;

WHEREAS, 2020 marks the 100<sup>th</sup> anniversary of housing cooperatives in Washington, D.C.;

WHEREAS, housing cooperatives are member-owned entities that afford individuals a real stake in home ownership and in the economic future of their communities;

WHEREAS, there are more than 100 housing cooperatives with thousands of units in the District varying widely in location, size, and architectural style, including high-rise buildings, garden-style buildings, and detached houses;

WHEREAS, Washington, DC is second only to New York City in the number of cooperative housing units;

WHEREAS, co-ops have a rich history in the city and many building are of historical and architectural significance;

WHEREAS, co-ops play an important role in the District’s housing continuum, and contribute to housing affordability;

WHEREAS, co-ops are democratically operated by member-owners who have a voice and vote in the operations of the cooperative;

WHEREAS, co-ops encourage community participation, civic pride, leadership and a sense of shared purpose among neighbors;and

WHEREAS, new and existing co-ops will play an important role in the city’s housing stock for at least the next 100 years.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC Housing Cooperatives 100<sup>th</sup> Anniversary Ceremonial Recognition Resolution of 2020".

Sec. 3. The Council recognizes and honors the successes of cooperative housing in Washington, D.C.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-329

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Gale Black for her outstanding accomplishments as a public servant and commend her for her civic and charitable contributions to the District of Columbia.

WHEREAS, Gale Black is a fourth generation Washingtonian;

WHEREAS, Gale Black is a graduate and noted alumna of American University, where she received her bachelor’s degree as well as her Juris Doctor degree;

WHEREAS, in 1975, Gale Black started working for the U.S. Equal Employment Opportunity Commission (EEOC) as a civil rights lawyer;

WHEREAS, Gale Black has worked for the EEOC for 35 years and has argued cases on behalf of the government in the U.S. Courts of Appeal and is a member of the Bar of the United States Supreme Court;

WHEREAS, Gale Black wrote EEOC’s decision in Baldwin v. Foxx, which formed the basis of the recent Supreme Court decisions, stating that sexual orientation and gender identity are protected by the Civil Rights Act;

WHEREAS, Gale Black received the EEOC’s Core Award in 2003 for her role in creating a management directive that provides federal agencies guidance about how to best combat systemic discrimination;

WHEREAS, Gale Black served as a political appointee under the Clinton Administration in the U.S. Department of Labor as Counselor and Chief of Staff for the Office of Federal Contract Compliance Programs from 1994-2001;

WHEREAS, throughout Gale Black’s career, she has fought for the rights of others and served throughout the federal government including as Associate Counsel for Civil Rights for the US House of Representatives’ Committee on Education and Labor;

WHEREAS, Gale Black is an elected six-term commissioner of ANC 4A08 and has served on the Commission since 2009;

**ENROLLED ORIGINAL**

WHEREAS, Gale Black was also elected as the Chair of ANC 4A serving in the 2017 and 2019 to 2020 terms;

WHEREAS, Gale Black was appointed by Adrian Fenty to be the Ward 4 Representative for the city’s reworking of the District’s Comprehensive Plan;

WHEREAS, from 2004-2014, Gale Black served as the President of the Crestwood Citizen’s Association, revamping the organization and revitalizing neighborhood traditions;

WHEREAS, Gale Black worked with law enforcement officials to reduce crime in her neighborhood and twice received the Citizen of the Year Award from the Metropolitan Police Department;

WHEREAS, Gale Black serves as the President of the Church Council at the Grace Evangelical Lutheran Church; and

WHEREAS, after living in almost every ward, Gale Black has settled in Ward 4, and is a mother of 2 children and grandmother of one.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Gale Black Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and congratulates Gale Black for the valuable contributions she has made during her 35-year career as a civil rights attorney and civic leader in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-330

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Thelma Mrazek for her outstanding accomplishments as a public servant and commend her for her contributions to the District of Columbia.

WHEREAS, Thelma Mrazek was born in Macon, Georgia and raised in Jacksonville, Florida;

WHEREAS, Thelma Mrazek is an alumna of Duke University where she received her B.A. in Political Science and the University of Pennsylvania where she received her M.A. in International Relations;

WHEREAS, Thelma Mrazek relocated to Washington to work for Congressman Charles E. Bennett of Jacksonville, Florida where her work focused on constituent services;

WHEREAS, Thelma Mrazek then sought to pursue a career in “saving the world for Democracy” leading her to pursue a master’s degree;

WHEREAS, Thelma Mrazek worked for the Foreign Policy Association in New York City with a team of scholars who produced “Great Decisions” study materials that provided impartial thought-provoking analyses of issues of concern to U.S. policymakers;

WHEREAS, Thelma Mrazek was able to take advantage of new opportunities afforded to women in the corporate arena and moved to Time Life’s New York headquarters where she became Chief Researcher and worked closely with authors on the final editing and production of books;

WHEREAS, Thelma Mrazek transitioned to a career in the public sector when she became Editor for President Lyndon Johnson’s President’s Commission on Crime, and organized briefing sessions for law enforcement officials;

WHEREAS, during the President Richard M. Nixon Administration, Thelma Mrazek edited reports of the President’s Commission on Organized Crime;

**ENROLLED ORIGINAL**

WHEREAS, Thelma Mrazek edited and worked as a freelancer for trade associations as well as serving as Washington Editor of U.S. Water News;

WHEREAS, Thelma Mrazek's husband, Col. James Mrazek, was a West Point graduate who served as an officer during WWII and helped found the Airborne Operations;

WHEREAS, a glider infantryman, Col. James Mrazek went on to write books about the unique work of his unit, and his books included "The Art of Winning Wars" (1968), "The Fall of Eben Emael" (1971), "The Glider War" (1975) and "Fighting Gliders of World War II" (1977);

WHEREAS, Thelma Mrazek and her husband traveled throughout Europe and interviewed people about different battles;

WHEREAS, Thelma Mrazek has performed extensive volunteer work with local charities, including serving as President of the Board of Hearts and Homes for Youth, a charitable organization for runaway or abandoned children in Montgomery County, Maryland;

WHEREAS, Thelma Mrazek has been an active resident of Knollwood Military Life Plan Community (Knollwood) in Ward 4 since 2001, and is former president of the Knollwood Residents Association;

WHEREAS, Thelma Mrazek advocated for resident's voices to be heard, working to assure that the head of the residents association became a full voting member of the board of directors;

WHEREAS, Thelma Mrazek serves as Chair of Knollwood's External Affairs Committee and has worked with the community to improve the relationship between the residents and their surrounding community;

WHEREAS, Thelma Mrazek helped establish a partnership between Knollwood and Lafayette Elementary School where seniors share their life experience with students and seek to inspire a sense of service within them;

WHEREAS, Thelma Mrazek has worked with District of Columbia officials to ensure transportation options for Knollwood residents;

WHEREAS, Thelma Mrazek served as Vice Chair of Councilmember Todd's Ward 4 Senior Advisory Committee and one of the policy initiatives she advocated for was to provide tax relief to veterans living in the District; and

WHEREAS, Thelma Mrazek, through her service and advocacy, has left an indelible impact on Knollwood, Ward 4, and the District of Columbia.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Thelma Mrazek Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and congratulates Thelma Mrazek for the valuable contribution she has made as an editor and researcher, and her service to the United States during her federal government career, and civic leadership serving veterans and seniors in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-332

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Dr. Marilyn Tyler Brown for her outstanding accomplishments in education, her commitment to public service, and her civic contributions to the District of Columbia.

WHEREAS, Dr. Marilyn Tyler Brown is a native of Oxford, North Carolina;

WHEREAS, Dr. Marilyn Tyler Brown received her B.A. in elementary education from Virginia Union University, an M.A. in Supervision of elementary schools from George Washington University, an A.P.C. in Supervision and Administration from George Washington University, and an Ed.D. in Administration from Nova University;

WHEREAS, Dr. Marilyn Tyler Brown supplemented the aforementioned degrees with further graduate studies at Howard University, Bank Street College, Columbia University and the University of the District of Columbia;

WHEREAS, Dr. Marilyn Tyler Brown worked in the District of Columbia Public Schools system for 37 years at all levels before retiring as Associate Superintendent of Student Services;

WHEREAS, Dr. Marilyn Tyler Brown served on The Mayor’s Committee to Appoint District of Columbia School Board At-Large Members; and Mayor’s Committee for Infant Mortality;

WHEREAS, Dr. Marilyn Tyler Brown served as a Life Member of the National Congress of Parents and Teachers;

WHEREAS, from 1990 to 1991, Dr. Marilyn Tyler Brown served as Assistant Superintendent of DC Public Schools, where she initiated International Exchange Programs with Tel Aviv, Israel, Dakar, Senegal, Seoul, Korea, Berlin and Bonn, Germany, Leningrad and Moscow, Russia, London, England, and Montreal, Canada, the international exchange program was supported by a grant of one million dollars from the United States Information Agency;



**ENROLLED ORIGINAL**

WHEREAS, as Associate Superintendent of DC Public Schools from 1991 to 1996, Dr. Marilyn Tyler Brown was responsible for the administration of 13 branches and units within the division that included the Department of Athletics, Attendance and Records, Community Services, Dropout Prevention Programs, Guidance and Counseling, International Exchange Programs, Out of Boundary Student Transfers, Summer School, Textbook Services, Travel and Field Trips, Visiting Instruction Service Programs and Work Permits;

WHEREAS, Dr. Marilyn Tyler Brown has been extensively involved with political organizing on a national and local stage;

WHEREAS, Dr. Marilyn Tyler Brown was elected Democratic National Committee Woman, and served in that capacity from 2004 until 2008;

WHEREAS, Dr. Marilyn Tyler Brown served as Treasurer of the D.C. Denver 2008 Convention Committee and served as Treasurer of D.C. Democratic Obama for Change Slate in 2008, and Co-Chairperson and Treasurer D.C. Presidential Gala for Obama;

WHEREAS, Dr. Marilyn Tyler Brown has served on the board of a number of political, civic, arts, education and women's organizations including Chairman of The United Black Fund Scholarship Program, Member of the Virginia Union University Board of Trustees, Member of The John F. Kennedy Center of the Performing Arts Community Advisory Board, Member of the Education Committee for The Choral Arts Society, and Member of the Martin Luther King Jr. Celebration Committee;

WHEREAS, Dr. Marilyn Tyler Brown served as Chairman of the Scholarship Committee for the Washington D.C. Chapter, Links Inc., and served on the Scholarship Committee for Delta Sigma Theta Sorority;

WHEREAS, Dr. Marilyn Tyler Brown has received numerous honors and awards from a sundry of organizations including the American School Counselors Association, the District of Columbia School Counselors Association, the District of Columbia Junior Chamber of Commerce, the Children's Education Foundation and the Center for Educational Change;

WHEREAS, Dr. Marilyn Tyler Brown was inducted into the DC Hall of Fame Society for Educational Leadership, and was recognized by the National Cathedral for her Dedicated Service to the Cathedral Scholars Program;

WHEREAS, Dr. Marilyn Tyler Brown received The Hadassah, Myrtle Wreath Award for International Student Exchange from the Women's Zionist Organization of America, the Coalition of 100 Black Women Leadership Award, and the A Democratic That Makes a Difference Award from the D.C. Democratic State Committee;

**ENROLLED ORIGINAL**

WHEREAS, Dr. Marilyn Tyler Brown is currently an international educator where she serves as educational consultant to numerous professional organizations;

WHEREAS, Dr. Marilyn Tyler Brown is an ordained deacon for Takoma Park Baptist Church, and is a guest speaker at various churches, schools, and community groups;

WHEREAS, Dr. Marilyn Tyler Brown was married to Hugh L. Brown, her college sweetheart, and traveled extensively with him, introducing and linking them to people worldwide; and

WHEREAS, Dr. Marilyn Tyler Brown committed her life to public service and education and remains civically engaged in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dr. Marilyn Tyler Brown Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the distinguished service and extensive contributions of Dr. Marilyn Tyler Brown to the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-333

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Washington, DC Chapter of Jack and Jill of America, Inc., on its 80th Anniversary, and to commend the Washington, DC Chapter for its civic and charitable contributions to the District of Columbia.

WHEREAS, Jack and Jill of America, Inc. was founded January 24, 1938 in Philadelphia, Pennsylvania from a meeting of 20 mothers by the leadership of Marion Stubbs Thomas with the idea of bringing together children in a social and cultural environment;

WHEREAS, Jack and Jill of America, Inc. is the oldest and largest African American family organization in the United States;

WHEREAS, Jack and Jill of America, Inc. is comprised of 252 chapters, representing more than 40,000 family members making a difference in communities nationwide;

WHEREAS, on March 16, 1940, Washington, DC became the third Jack and Jill club following Philadelphia and New York;

WHEREAS, the Washington, DC Jack and Jill Club was initiated by Elinor McGuire, Lillian Perry, and Lillian Howard;

WHEREAS, during the 1950's the Washington, DC Chapter distinguished itself with its activities and programming, becoming a preeminent part of the national organization as well as an irreplaceable part of the District;

WHEREAS, in June of 1953, the Washington, DC Chapter hosted the first National Teen Conference at Howard University, focusing on the topic "The World We Face Today";

WHEREAS, during the 1960's the Washington, DC Chapter worked strategically with individuals, community groups, and activists that promoted equality, civil rights, and economic advancement for African Americans;

**ENROLLED ORIGINAL**

WHEREAS, during the 1970's, the Washington, DC Chapter fundraised for several initiatives across the District, including: Africare, the Pediatric Ward at Howard Hospital, and the NAACP;

WHEREAS, under the leadership of Opal Hyde the Washington, DC Chapter used funds raised from their annual Christmas party to donate \$17,000 to support the creation of a playroom in the pediatric section of Howard Hospital, which attracted the attention of First Lady Betty Ford who invited Jack and Jill of America, Inc. families to tour the White House;

WHEREAS, during the 1980's, the Washington, DC Chapter continued performing outreach to the larger Washington community, receiving a \$10,000 grant from the national Jack and Jill Foundation to implement a SAT prep course.

WHEREAS, in 1989, the Washington, DC Chapter started its first annual "JUMOKE" event to increase awareness of African culture to children in the community;

WHEREAS, Jumoke is a Yoruba term for "one who loves the child", and the event is sponsored by the Washington, DC Chapter annually every February;

WHEREAS, the Washington, DC Chapter actively engages in community service with a focus on teaching children the value and importance of service, and many of the annual children and youth activities incorporate a service component that reinforce the Washington DC Chapter's priority and commitment to serve the community;

WHEREAS, the Washington, DC Chapter has made significant contributions to the March of Dimes, Freedman's Hospital (now known as Howard University Hospital), the NAACP, The Boy's Club, and UNICEF;

WHEREAS, the Washington, DC Chapter's service initiatives include volunteering at Howard Hospital, Project Giveback, packaging and delivering Thanksgiving food baskets to 2,500 District of Columbia families in need, and the chapter wide MLK Day of Service;

WHEREAS, in August 2020, the Washington, DC Chapter was awarded the Five Star Chapter Award of Excellence by Jack and Jill of America, Inc., which recognizes the chapter for its dedication to providing lasting support to the community through service and philanthropy; and

WHEREAS, since its founding 80 years ago, the Washington, DC Chapter of Jack and Jill of America, Inc. has been focused on children, forging friendships, fashioning civic and service activities, and serving as an opportunity to build communities by forming family bonds through social gatherings.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Jack and Jill of America, Inc. Washington, DC Chapter Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia congratulates and recognizes the Washington, DC Chapter of Jack and Jill of America, Inc. for its work in the Washington, D.C. area.

Sec. 3. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-334

## COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To celebrate the 85<sup>th</sup> Anniversary of the Washington Chapter of Girl Friends, Inc., and recognize and honor the organization for their pivotal role in the African American community.

WHEREAS, the Washington Chapter of Girl Friends, Inc. was formed on May 8, 1936, sponsored by the Baltimore Chapter of Girl Friends, Inc., and accepted into membership of the national organization at the annual National Girl Friends Conclave in Boston, Massachusetts;

WHEREAS, the charter members were 8 friends known since 1933 as the “Jolly Eight”, and include Thelma Baltimore, Marbelle Steele Fraser, Julia Singleton Jackson, Vivian Wilson Johnson, Bettie Taylor Julian, Elise Fletcher Nichols, Dorothy Howard Sayles and Garice Booker Williams;

WHEREAS, since its establishment, the Washington Chapter of Girl Friends, Inc. has contributed to many national and local charitable and cultural organizations that have included the Girl Friends Fund, Inc. (for scholarships), The Martin Luther King Jr. Memorial on the National Mall, Providence Hospital Teen Pregnancy Project, The High Tea Society, the National Urban League, Black Women’s Agenda, Children’s Defense Fund, Howard University Medical School, Howard University Cancer Research Center, Healthy Babies, Adult Literacy Council (Metropolitan Baptist Church), National Council of Negro Women, Black Child Development Institute, House of Ruth, NAACP, National Museum of African American History and Culture, and many more;

WHEREAS, the Washington Chapter of Girl Friends, Inc. Social Action Committee has organized a Career Day at the Washington School for Girls and Easter Egg Hunt for the children at the Community of Hope Apartments. The Committee has arranged donations of Thanksgiving baskets, collected books for District of Columbia school children and instituted an annual holiday drive to provide shoebox gifts of hats, gloves, undergarments, socks and toiletries for men, women and children at SOME (So Others May Eat);

WHEREAS, the Washington Chapter of Girl Friends, Inc. continues to promote the ideals of friendship through its active monthly calendar of social activities and through the designation of the months of December, February and June as purely social gatherings;

**ENROLLED ORIGINAL**

WHEREAS, the Washington Chapter of Girl Friends, Inc. has expressed its philanthropic mission by sponsoring several cotillions since 1960 and enabled the financial support of local charities through its 501(c)3 Outreach Fund;

WHEREAS, the Washington Chapter of Girl Friends, Inc. hosted the National Conclave in 1941, 1955 and 1987 and hosted the National Executive Meetings in November 1954, October 1973, 1982 and October 1993;

WHEREAS, the neighboring Chapters of Potomac, Baltimore, and Loudoun have joined with the Washington Chapter of Girl Friends, Inc. to form a Friendship group to share special concerns and acknowledge each other during the Friendship Month of February with jointly planned activities; and

WHEREAS, the Washington Chapter of Girl Friends, Inc. welcomes its role as one of the guardians of African American culture, champions of the beauty, grace and power of African American women and proponents of civility and the strength of friendship, which is precious.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Chapter of Girl Friends, Inc. Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes and commends the Washington Chapter of Girl Friends, Inc. for its social and charitable contributions to the District of Columbia and celebrates its 85<sup>th</sup> anniversary.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-335

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Stephen Whatley for his charitable and civic contributions to the District of Columbia.

WHEREAS, Stephen Whatley is a graduate and noted alumnus of West Virginia State University where he received his B.A. in Economics, and he also holds a Master of Business Administration from Southern Illinois University;

WHEREAS, Stephen Whatley served for 22 years in the United States Army, retiring as a Lieutenant Colonel with the United States Army Reserve where he served as an Assistant Inspector General;

WHEREAS, from 1977 to 1980 Stephen Whatley served an economist for the Bureau of Economic Analysis in Washington D.C., measuring the impact of inflation on Department of Defense non-classified expenditures;

WHEREAS, from 1980 to 2001 Stephen Whatley served as a Senior Financial Analyst in the Office of Thrift Supervision in Washington, D.C., where he designed and conducted professionally challenging research projects and prepared reports on the novel and complex issues facing the thrift and commercial banking industries;

WHEREAS, from 2001 to the present Whatley has served as a Financial Management Specialist with the United States Department of Agriculture Food Safety and Inspection Service Financial Management Division, where he provides advice and assistance to the United States Department of Agriculture related to budgetary and accounting systems;

WHEREAS, Stephen Whatley has served as a strong fiscal steward of the public trust, saving more than \$50 million in taxpayers funds over the course of his tenure with the United States Department of Agriculture;

WHEREAS, Stephen Whatley is a member of the Urban League, the National Association for the Advancement of Colored People, Omega Psi Phi Fraternity, and Sigma Pi Phi Fraternity;



**ENROLLED ORIGINAL**

WHEREAS, Stephen Whatley has served as the Advisory Neighborhood Commissioner for ANC 4A03 for more than 20 years;

WHEREAS, in his role as ANC Commissioner, Stephen Whatley has participated in passing significant legislation including measures that removed the 11% tax on utilities bills, fought against rate increases on utilities bills, proposed legislation that would allow college students to stay on their parent's insurance plan until they turn 28, supported the improvement of infrastructure projects in Shepherd Park and Brightwood, and fought for increased funding for neighborhood schools;

WHEREAS, in his role as ANC Commissioner, Stephen Whatley assisted with The Parks at Walter Reed to ensure that the development was in synergy with the community interests around density and complimentary to the community design aesthetics;

WHEREAS, in his role as ANC Commissioner, Stephen Whatley also assisted in the development of the Children's National Medical Center at The Parks at Walter Reed and its integration into the community, and worked to ensure that density was complimentary to neighboring homes and apartment buildings to maintain a sense of community;

WHEREAS, Stephen Whatley has been a staunch advocate for civil rights, participating in the March on Washington, the Poor People's Campaign, and 5 marches in support of making Martin Luther King Jr. Day a federal holiday;

WHEREAS, Stephen Whatley has served as an advocate for a strong education outside of his work as a ANC Commissioner, assisting 28 boys with C averages go on to attend college on scholarships;

WHEREAS, Stephen Whatley has received numerous military and civic awards including the U.S. Army Meritorious Service Medal, the U.S. Army Meritorious Service Medal with Oak Leaf Cluster, the U.S. Army Commendation Medal, the Bureau of Economic Analysis Special Achievement Award, the OTS Sustained Superior Performance Award, and multiple USDA Performance Awards from 2002 to 2018; and

WHEREAS, Stephen Whatley continues to fight injustice, advocate for change, and serve the Ward 4 community and the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Stephen Whatley Ceremonial Recognition Resolution of 2020".

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes Stephen Whatley for his unwavering commitment to serving the residents of Ward 4, and his contributions to the District as a community and political leader.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-336

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Dr. Willie Hasson for his military service, his civic engagement and his support of increased cultural and historical awareness and commend him for his artistic and educational contributions to the District of Columbia.

WHEREAS, Dr. Willie Hasson is a native of Chicago, Illinois;

WHEREAS, Dr. Willie Hasson is a graduate and noted alumnus of Roosevelt University where he received his B.A. in Economics, and he also holds a Doctorate Degree in Education from the University of Massachusetts Amherst;

WHEREAS, Dr. Willie Hasson served in the United States Army during the 1960's and was honorably discharged as a Private;

WHEREAS, from 1968 to 1979, Dr. Willie Hasson served as Founder and Director of the Black Musician's Conference at Amherst;

WHEREAS, during the 1980's and 1990's, Dr. Willie Hasson served as a journalist, working as a writer for *The Washington Informer* newspaper, as well as an international music journalist for *JazzTimes* and *American Visions* magazines;

WHEREAS, Dr. Willie Hasson has made significant contributions to the District of Columbia's artistic and civic community, serving as a Community Cultural staffer for the DC Commission on the Arts and Humanities, and a staffer for the Executive Office of Mayor Marion Barry's Office of Constituent Services;

WHEREAS, Dr. Willie Hasson has played a vital role in advocating for cultural and historical awareness across the city, serving as a developer for the DC Culture Heritage Tourism Trail, the Duke Ellington Cultural Heritage Tourism Trail, and the Georgia Avenue Cultural Heritage Trail;

WHEREAS, Dr. Willie Hasson has served as a member of the International Conference on Caribbean Carnivals, as well as serving as a former Board Member of the Washington Historical Society, and the DC Duke Ellington Society;

## ENROLLED ORIGINAL

WHEREAS, beginning in the 1990's, Dr. Willie Hasson has served as a Member of the Civil War Roundtable of the District of Columbia, and organization whose purpose is to stimulate and expand interest in the military, political, diplomatic, economic, and socio-cultural history of the United States and particularly the Civil War;

WHEREAS, Dr. Willie Hasson's contributions to the Civil War Roundtable of the District of Columbia have focused on all aspects of the Civil War and the effects that it had on slavery, Emancipation, President Lincoln, and the role that African Americans played in defining that war;

WHEREAS, Dr. Willie Hasson's contributions to the arts as a performer have included recording with Marion Brown (*Geechee Recollections*) and Archie Shepp (*There is a Trumpet in My Soul*), and accompanying them on tour in Japan;

WHEREAS, Dr. Willie Hasson served as the international tour road manager with music artists Jerry Gonzales and Con Junto Libre in South America and Africa, and with Max Roach for the Japanese and South Africa tours, and he has also produced music, art, theater, dance, and film for national and international artists;

WHEREAS, Dr. Willie Hasson has also been a staunch advocate for education, lecturing for the Ethnic Studies Association, St. Louis Community College, and numerous New England Colleges;

WHEREAS, Dr. Willie Hasson founded the DC Construction Site Visit Program that has served a significant numbers of DC Public Schools students in the last twenty years;

WHEREAS, Dr. Willie Hasson has also been extensively involved in political and civil engagement, serving as a former member of the DC Board of Parole, and participating in Mayoral and Councilmember Political campaigns in Detroit, Philadelphia, and Washington DC; and

WHEREAS, Dr. Willie Hasson has also served as the former Block Club President in the Brightwood neighborhood, the Co-Chair of the Ward 4 Public Safety Advisory Committee in Washington, D.C., and providing volunteer services throughout the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Dr. Willie Hasson Ceremonial Recognition Resolution of 2020".

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and honors Dr. Willie Hasson for his invaluable contributions to Washington D.C.'s cultural and historical heritage, its educational institutions, and his service to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-337

## COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize the Ethiopian community's heritage and culture, outstanding leadership and contributions to the District of Columbia's economy and the 9<sup>th</sup> and U Street business corridor located in the Shaw neighborhood, and its partnership with the African America community in the fight for social justice and civil rights.

WHEREAS, Ethiopia is an independent African country that has never been colonized and stands as a symbol for all African peoples in their struggle for freedom, dignity and respect;

WHEREAS, Ethiopia defended itself from Italian invasion on March 1, 1896 at the Battle of ADWA. The Ethiopia's landmark victory unified the country and marked the first defeat of a European power by an African Country;

WHEREAS, Ethiopia is widely recognized as a pioneering nation in the decades long struggle against colonialism and an inspiration to people across the Disapora, and other nations around the world;

WHEREAS, Ethiopia's root can be traced to the origins of civilization and is home to the remains of the first human ancestors found in the bones of Ardi dating back to 4.2 million years ago, and Lucy dating back to 3.5 million years ago;

WHEREAS, Ethiopia is also home to the great Axumite Kingdom that rivals Rome, Persia, and China;

WHEREAS, Ethiopia is the birthplace of Queen of Sheba and the enduring Solomonic dynasty;

WHEREAS, there are 9 United Nations World Cultural sites in Ethiopia including the eleven 13<sup>th</sup> century cave churches in Lalibela "New Jerusalem", and the 16<sup>th</sup> Century fortress-city of Fasilades surround by a 900-meter long wall;

WHEREAS, on December 27, 1903 Ethiopia's Emperor Menelik II and President Theodore Roosevelt established diplomatic relations with the signing of a Treaty of Amity and Commerce;

**ENROLLED ORIGINAL**

WHEREAS, the Ethiopian community has a long relationship with the African American community anchored by the historical spiritual struggle for liberation reflected in the Abyssinian Christian Churches;

WHEREAS, a significant milestone in the longstanding relationship with the Ethiopian and African American communities took place in 1808 when Ethiopian seamen and African American parishioners left the First Baptist Church of New York, and founded the Abyssinian Baptist Church in Harlem, New York in protest of segregated seating arrangements;

WHEREAS, the Abyssinian Baptist Church was inspired by the ancient name of Ethiopia, Abyssinia;

WHEREAS, the relationship was enhanced through an education exchange that encompassed the training of pilots, teachers, and medical personnel at Howard University; and a cultural exchange of musical and artistic performances that together deepened the ties that connect Ethiopia with the United States;

WHEREAS, the first African Studies Department in the United States was started at Howard University by Dr. William Leo Hansberry, who with the first Ethiopian medical school graduate Dr. Melaku Beyan, founded the famed Ethiopian Research Council. The department was founded for the unique purpose of disseminating information on the history, culture, civilization, and diplomatic relations of Ethiopia in ancient and modern times;

WHEREAS, the first African American Rhodes Scholar and Howard Professor Dr. Alain Locke encouraged his students to recognize and incorporate their African Heritage in their work;

WHEREAS, the great African American poet and District resident Paul Laurence Dunbar in "Ode to Ethiopia" promotes African Americans to look to Ethiopia for pride;

WHEREAS, District native and jazz musician extraordinaire Duke Ellington traveled and performed in Ethiopia and received Ethiopia's Medal of Honor in 1973, Ethiopia's highest prize from Emperor Haile Selassie I;

WHEREAS, it was Dr. Alain Locke and others at Howard that provided the intellectual inspiration for the Harlem Renaissance and U Street's portrayal as Black Broadway;

WHEREAS, Ethiopia inspired Pan African movements that gave hope to those seeking justice in the eyes of God and the world;

**ENROLLED ORIGINAL**

WHEREAS, writers, artists, and activists such as W.E.B. Dubois, Frederick Douglas, Martin Delaney, Langston Hughes, Joseph Harris, Marcus Garvey and Edward Blyden built on these traditions culminating in the US Civil Rights Movement and African Independence Movements;

WHEREAS, Ethiopians first began migrating to the United States in the 1970's because of political persecution by the military junta that overthrew Emperor Haile Selassie I;

WHEREAS, more than 300,000 Ethiopian descendants reside in the Washington, D.C. Metropolitan area, one of the largest populations of Ethiopians in the United States. The region has a multitude of Ethiopian business owners, doctors, professors, entrepreneurs, community leaders, artists, and families;

WHEREAS, Ethiopian immigrants initially settled in Adams Morgan, then along 9th Street NW in the historical African American Shaw neighborhood, where the 9<sup>th</sup> Street corridor between 9<sup>th</sup> and 11<sup>th</sup> Streets NW is fondly known as "Little Ethiopia";

WHEREAS, during the 1990's, Ethiopian business owners selected the Shaw community as a central location and hub to establish new businesses that led to a vibrant flourishing business enclave that was largely responsible for revitalizing the community following the riots in the mid 1960's, and returned it to a thriving corridor established by African American business owners prior to the riots;

WHEREAS, Ethiopian entrepreneurs have made significant contributions to the business community and have been outstanding leaders in Washington, D.C. and surrounding areas particularly retail strips where their strategy to establish a concentrated group of businesses has contributed to sustainability, and attracted members of both the Ethiopian community and local residents, ultimately enriching the cultural fabric of our international city and tax revenue;

WHEREAS, in 2019 the District of Columbia under Mayor Muriel Bowser's leadership, renewed its Sister City Agreement between Addis Ababa and Washington, D.C. to create lasting partnerships and cooperation on economic development, public health, culture, tourism and education;

WHEREAS, the Sister City agreement confirms that the two cities will promote collaboration, information exchange, and joint ventures, with a special focus on the growth and development of business investment, trade and tourism and public-private partnerships;



**ENROLLED ORIGINAL**

WHEREAS, the Sister City agreement shares best practices in the areas of government operations including public works, transportation, technology, infrastructure and housing; health polices to strengthen the capacity and effectiveness of prevention and treatment programs; sustainable environment, including energy conservation and the green economy; and promote the development of programs in the areas of culture, arts and education;

WHEREAS, the 2019 Sister City Agreement was the culmination of first-hand efforts by a delegation to Addis Ababa of Washington, D.C. leaders, under the auspices, direction, and stewardship of Henok Tesfaye, a prominent and long-standing Washington, D.C. entrepreneur, civic leader, and humanitarian;

WHEREAS, during the mission, the Mayor of Addis Ababa, Takele Uma Banti, unveiled a newly-named street, “Mayor Muriel Bowser Street,” and announced the renaming of Gazebo Roundabout to “Washington, D.C. Square”, an historic honor, as part of the signing ceremony for the renewal of the Sister City agreement between the District and Addis Ababa;

WHEREAS, Mayor Muriel Bowser proclaimed July 28, 2018 as “Ethiopia Day in DC” in honor of the visit of Ethiopian Prime Minister Dr. Abiy Ahmed Ali to Washington, D.C.;

WHEREAS, the Ethiopian communities’ contributions to arts, culture, and education in the District encompass 4 annual events to commemorate the fight for freedom by the resilient and the patriotic people of Ethiopia against Italian invasion and the annual holiday celebration;

WHEREAS, the 4 annual events include the victory of Adwa on March 1, 1896, the Addis Ababa Massacre and Yekatit 12 on February 19, 1937; the liberation of Addis Ababa and Miazia 27 on May 5, 1941; and Kwanzaa and Early celebration of Genna on December 26, 2004;

WHEREAS, the Ethiopian community also commemorates Adwa and Miazia by placing a wreath with the colors of the Ethiopian flag in front of the African American Civil War Memorial in March and May of each year;

WHEREAS, June 4, 2015 Mayor Muriel Bowser declared “Ethiopian International Food Day “where 47,000 students in over 100 schools were served Ethiopian food for breakfast, lunch and dinner. The event was held at Walker Jones Education Campus;

WHEREAS, the program was planned by DC Mayor Bowser’s Office of the Secretary, Executive Office of the Mayor in collaboration with District of Columbia Public Schools, the Little Ethiopia DC organization, and an advisory group of 10 Ethiopian chefs and restaurateurs guided food preparations for the event including the prominent Ethiopian Chef “Etete” Tiwaltengus Sheenegelgn; and

**ENROLLED ORIGINAL**

WHEREAS, the Ethiopian community continues to make exceptional contributions to the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “District of Columbia's Ethiopian Business and Cultural Community ‘Little Ethiopia’ Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes the long history between the United States and Ethiopia, and congratulates the Ethiopian community for over seventy years of collaborative work in the areas of economic development, entrepreneurship, arts, culture, education, and government collaboration in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-338

COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Donna Ellis for her outstanding work as a community advocate and commend her for her civic and community contributions to the District of Columbia.

WHEREAS, Donna Ellis has been a resident of Washington, D.C. for 70 years, and has lived in Ward 4 for over 60 years;

WHEREAS, Donna Ellis has played an integral role in shaping the communities she has lived in, and has earned a reputation as a passionate community organizer and a tireless advocate for youth and seniors;

WHEREAS, Donna Ellis began her activism as President of the Parent Teacher and Athletic Associations, and she would go on to serve as President of the Parent Teacher Association at all the schools her children attended;

WHEREAS, Donna Ellis has testified before the Council of the District of Columbia on issues pertaining to the health and wellbeing of youth and seniors;

WHEREAS, Donna Ellis served as the Co-Chair of the science and technology seminar for the DC Commission for Women;

WHEREAS, Donna Ellis created a program that gave District junior high school students an opportunity to work in the White House mail room;

WHEREAS, Donna Ellis has made a concerted effort to be politically engaged, beginning with her volunteering for former Councilmember Dr. Charlene Drew Jarvis' campaign;

WHEREAS, Donna Ellis has remained politically active, hosting political fundraisers for candidates in Ward 4, and serving as captain of Ward 4's 58<sup>th</sup> Precinct from 1999 to 2012;

**ENROLLED ORIGINAL**

WHEREAS, Donna Ellis is extensively involved in the leadership of several political organizations including serving as an elected member of the DC Democratic State Committee representing Ward 4 and a member of the Executive Committee, President of the Metropolitan Women’s Democratic Club, Vice President of the DC Federation of Democratic Women, and Eastern Region Director of the National Federation of Democratic Women that includes the 13 states of the Democratic National Convention in the East;

WHEREAS, Donna Ellis is active in several civic organizations including Ward 4 Cares, Petworth People’s Involvement Corporation, and Project Harvest;

WHEREAS, Donna Ellis is a member of the Ward 4 Senior Advisory Council and member of the Citizen’s Advisory Panel for Washington Gas;

WHEREAS, Donna Ellis’s passion for giving back to the community and involvement in civic groups has led to her assisting others as she climbs; and

WHEREAS, Donna Ellis has been married to Milfred Ellis for 53 years, is the mother of two children, and the grandmother to one, whom are all District residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Donna Ellis Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes and honors Donna Ellis for the invaluable contributions she has made during her 5 decades of passionate service to communities throughout 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

23-339

## IN THE COMMITTEE ON HEALTH

December 1, 2020

To recognize and honor Councilmember David Grosso for his years of diligent service to the Committee on Health.

WHEREAS, David Grosso became a member of the Committee on Health when he joined the Council in 2013.

WHEREAS, David Grosso introduced and shepherded the following important health legislation that has been approved by the Council of the District of Columbia:

- (1) The LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 (Bill 21-168; D.C. Law 21-95)
- (2) The Public School Health Services Amendment Act of 2017 (Bill 22-27; D.C. Law 22-61)
- (3) The LGBTQ Health Data Collection Amendment Act of 2018 (Bill 22-840; D.C. Law 22-291)
- (4) The Student Access to Treatment Amendment Act of 2020 (Bill 23-467; D.C. Law 23-81)

WHEREAS, David Grosso participated actively in the oversight of agencies under the purview of the Committee on Health, including through his leadership on the Task Force on School Mental Health and LGBTQ health equity issues.

WHEREAS, David Grosso has been effective and collegial colleague with whom it has been an honor to work with on the important issues in the Committee of Health and on the Council.

IT IS HEREBY RESOLVED, BY THE COMMITTEE ON HEALTH, That this resolution may be cited as the “David Grosso Committee on Health Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia’s Committee on Health hereby recognizes and honors David Grosso for his dedication to the citizens of the District of Columbia and hard work in making Washington, D.C. a healthier city.

Sec. 3. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-340

## IN THE COMMITTEE ON HEALTH

December 1, 2020

To recognize and honor Councilmember Brandon T. Todd for his years of diligent service to the Committee on Health.

WHEREAS, Brandon Todd became a member of the Committee on Health when he joined the Council in 2015;

WHEREAS, Brandon Todd introduced and shepherded the following important health legislation that has been approved by the Council of the District of Columbia:

- (1) The Health Literacy Council Establishment Act of 2017 (Bill 22-62; D.C. Law 22-66)
- (2) The Standard of Care for Animals Amendment Act of 2017 (Bill 22-64; D.C. Law 22-37)
- (3) The Senior Dental Services Program Act of 2018 (Bill 22-171; D.C. Law 22-108)
- (4) The Maternal Mental Health Task Force Establishment Act of 2018 (Bill 22-172; D.C. Law 22-139)
- (5) The Hearing Aid Assistance Program Act of 2018 (Bill 22-354; D.C. Law 22-151)
- (6) The Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019 (Bill 23-0261; D.C. Law 23-62)
- (7) The Window Blind and Drape Cord Safety Notification Act of 2020 (Bill 23-322; D.C. Law 23-131)
- (8) The Opioid Labeling Amendment Act of 2020 (Bill 23-535);

WHEREAS, Brandon Todd participated actively in the oversight of agencies under the purview of the Committee on Health, including through his efforts to make health care services more affordable and accessible to District seniors;

WHEREAS, Brandon Todd has been effective and collegial colleague with whom it has been an honor to work with on the important issues in the Committee of Health and on the Council.

**ENROLLED ORIGINAL**

IT IS HEREBY RESOLVED, BY THE COMMITTEE ON HEALTH, That this resolution may be cited as the “Brandon T. Todd Committee on Health Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia’s Committee on Health hereby recognizes and honors Brandon Todd for his dedication to the citizens of the District of Columbia and hard work in making Washington, D.C. a healthier city.

Sec. 3. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-341

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor the District of Columbia Health Benefit Exchange Authority and to declare December 10, 2020 as “Get Covered 2021 District of Columbia Day”.

WHEREAS, the world is facing the most significant health crisis in modern history due to COVID-19, which has also caused a global economic downturn, impacting people and their ability to access health insurance.

WHEREAS, to slow the spread of COVID-19, individual and community health can be improved dramatically by covering your mouth and nose, wearing a mask, and practicing social distancing.

WHEREAS, affordable, quality health insurance coverage ensures access to care and makes a material difference in the health and well-being of the residents of the District of Columbia.

WHEREAS, access to health insurance is important because those without coverage are less likely to see a doctor when they become ill or for treatment of a chronic condition and forgo necessary care until their condition becomes intolerable.

WHEREAS, the Affordable Care Act was enacted in 2010 to expand access to affordable, meaningful coverage to lower the number of uninsured people and improve overall population health and well-being.

WHEREAS, the Affordable Care Act, which ensures critical consumer protections, and expands coverage to millions of Americans, is instrumental in dramatically reducing the number of uninsured people from 46.8 million in 2010 to 29.2 million in 2019.

WHEREAS, the DC Health Benefit Exchange Authority, established by the District of Columbia under the Affordable Care Act, provides access to affordable, quality coverage and care through DCHealthLink.com to residents of the District of Columbia and District small businesses and non-profits which is especially important during the COVID-19 pandemic and resulting economic conditions.



**ENROLLED ORIGINAL**

WHEREAS, approximately 100,000 people are covered through DC Health Link's individual and small business health insurance marketplaces in the District of Columbia and more than 80,000 District residents are covered through the District's expanded Medicaid under the Affordable Care Act;

WHEREAS, leaders from across America have joined to launch a national movement to help address the COVID-19 pandemic by helping people protect themselves and making sure everyone who can, enrolls in health care coverage.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Get Covered 2021 District of Columbia Day Ceremonial Resolution of 2020"

Sec. 2. The Council of the District of Columbia recognizes and honors the District of Columbia Health Benefit Exchange Authority for its untiring dedication to the citizens of the District of Columbia, declares December 10, 2020 as "Get Covered 2021 District of Columbia Day", and calls upon all residents to:

(1) Cover up for COVID by practicing the "3 W's" to reduce the risk of COVID-19 by wearing a mask, washing your hands, and watching your distance. Together these can help keep you and your community healthy and safe;

(2) Cover yourself and your family by renewing your coverage, if you haven't already, and telling friends to check [DCHealthLink.com](http://DCHealthLink.com) or call 1-855-532-5465 to see their health coverage options, whether they qualify for reduced premiums for private health insurance or free coverage through Medicaid; and

(3) Cover everyone by supporting efforts to increase access to affordable meaningful health care coverage for all people in the District of Columbia.

Sec 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Reverend Phillip C. Huber’s service and contributions to St. Matthew Lutheran Church and the greater Southwest D.C. community, on the occasion of his retirement.

WHEREAS, Phillip C. Huber, pastor of St. Matthew Lutheran Church, located in the Southwest Waterfront area, will retire on December 31, after 2 decades of service to his Congregation, Ward 6, and the District of Columbia;

WHEREAS, for many years, St. Matthew Lutheran Church was the community meeting place for Southwest organizations and provided many services to its Congregation, such as childcare, tutoring, and other programs, in addition to its religious services;

WHEREAS, during the first half of his tenure as pastor, the physical church building began to gradually collapse, creating severe financial pressures on an economically challenged Congregation;

WHEREAS, the land being its most significant asset, under the prayerful leadership of Pastor Huber, the church sought to find a developer to build a new church in exchange for some of its land, but the global 2008 financial meltdown prolonged the demolition of the church and financing complications led to further delays;

WHEREAS, the church sought to maintain its long-term relationship of service to the broader Southwest community through adaptive use of the vacant land after demolition, promoting a community garden and distribution of Christmas trees in season to families in the neighborhood;

WHEREAS, Reverend Huber worked with the Ward 6 Councilmember’s office to restore the church’s property tax exempt status, enabling the project to finally begin its redemption as a new church for its patient and deserving Congregation;

**ENROLLED ORIGINAL**

WHEREAS, this past February, 12 years later, worship services at St Matthew Lutheran Church resumed after having shared services with another Lutheran church downtown for many of those years;

WHEREAS, the new building reflects Reverend Huber’s inspirational leadership and the St. Matthew Congregation’s commitment to the Southwest Community, exemplified by its large modern sanctuary with its state of the art audio-visual system, which can be reconfigured to host large community events, a Community room below nearly as large, classrooms for smaller activities, and conversation space adjacent to the coffee shop;

WHEREAS, St. Matthew has additional space dedicated to large restrooms with showers, including decontamination stations in each, well-equipped kitchen facilities, and space in the garage for a large emergency generator, making it the third of only 3 designated disaster control facilities currently in the District of Columbia;

WHEREAS Phillip C. Huber’s knowledge, vision and leadership are indeed exemplary to his Congregation, the Southwest community, Ward 6, and the District of Columbia;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution be cited as the “Reverend Phillip C. Huber Retirement Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council recognizes and congratulates Reverend Phillip C. Huber for 2 decades of service and contributions to St. Matthew Lutheran Church and the greater Southwest D.C. community and wishes him the best during his retirement.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize and honor Pierpont and L. Jeannette Mobley’s induction into the Washington, D.C. Hall of Fame.

WHEREAS, Ward 5 residents Pierpont and Jeannette Mobley’s long-standing community outreach and civil and political involvement have made an outstanding impact on the Ward, the city and residents of the District of Columbia in numerous ways;

WHEREAS, Pierpont has dedicated his career in law and government to promoting civil and human rights and equal employment;

WHEREAS, Pierpont was the first African American appointed to the White House Personnel Office;

WHEREAS, while serving in the Personnel Office, Pierpont wrote the first Affirmative Action Program for the White House and 11 Executive Offices of the President during the Carter Administration;

WHEREAS, Pierpont is a National Guardsman of 20 years and serves on Congresswoman Eleanor Holmes Norton’s Service Academy Board;

WHEREAS, Pierpont has mediated hundreds of family disputes at the Superior Court of the District of Columbia, *pro bono*;

WHEREAS, Pierpont and Jeannette upon retirement from the Federal Government and the private sector, respectively, formed a Ward 5, Certified Business Enterprise (CBE) consulting and training business in 1994, which is still in operation today;

WHEREAS, Jeannette has dedicated her career and time to civic advocacy and engagement;

WHEREAS, Jeannette was educated at Trinity University in Washington D.C., and earned a certificate in Career Development and Planning from the University of Michigan;

**ENROLLED ORIGINAL**

WHEREAS, Jeannette held numerous leadership and human resource positions with Bell Atlantic, Verizon, and AT&T;

WHEREAS, Jeannette managed the corporate College Recruitment and Experienced Hire Program for District of Columbia, Maryland, Virginia, and West Virginia companies;

WHEREAS, Jeannette, in 1990, founded an all-male African American mentoring and professional development association called the Development Roundtable for the Upward Mobility of Males (DRUM);

WHEREAS, for 3 years, Jeannette served as the Chief of Staff for Councilmember and Chair Pro Tempore Kenyan R. McDuffie, Ward 5;

WHEREAS, Jeannette is one of the original founders of the DC Children's Trust Fund Advisory Board and served as its Chair;

WHEREAS, Jeannette is the President of the D.C. Democratic Women's Club;

WHEREAS, Jeannette is an Ex-Officio member of the DC Democratic State Committee;

WHEREAS, Jeannette served 2 terms as the Financial Secretary for the Ward 5 Democrats;

WHEREAS, Jeannette held a mayoral appointment to the Alcohol Beverage Control Board under Mayor Vincent C. Gray;

WHEREAS, Jeannette held a mayoral appointment to the Local Opportunity Business Commission under Mayor Anthony Williams; and

WHEREAS, Jeannette, in 2012, received the DC Government DC Serve Award for Outstanding Community Service.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Pierpont and Jeannette Mobley Washington, D.C. Hall of Fame Induction Recognition Resolution of 2020".

Sec. 2. The Council of the District of Columbia recognizes and honors Pierpont and Jeannette Mobley for their many years of leadership and service to the city and residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-344

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To commit to furthering equality and combatting hate crimes for all District residents in light of the District of Columbia's prohibition of the LGBTQ+ panic defense and to honor the memory of Matthew Shepard.

WHEREAS, B23-0409, the "Bella Evangelista and Tony Hunter Panic Defense Prohibition and Hate Crimes Response Amendment Act of 2020", will be brought to the full Council for a vote on December 1, 2020;

WHEREAS, B23-0409 will, *inter alia*, limit the scope of the defenses of heat of passion caused by adequate provocation, insanity, self-defense, defense of others, and defense of property if certain elements of the defense are based on the victim's actual or perceived gender identity, gender expression, or sexual orientation;

WHEREAS, in the 1998 murder of Matthew Shepard – a 21-year old college student at the University of Wyoming in Laramie, Wyoming – the defendants attempted to use the provocation defense to justify their torture and murder of Shepard. Fortunately, in the state of Wyoming, irresistible impulse is not a defense allowed under the statutory insanity defense construct. The LGBTQ+ panic defense was deemed inadmissible, not due to the illegitimacy of the LGBTQ+ panic defense, but instead due to Wyoming's statutory insanity defense construct;

WHEREAS, had Matthew Shepard not been murdered in 1998, December 1, 2020, would have been his 44<sup>th</sup> birthday;

WHEREAS, a defendant may allege to have found the same-sex sexual advances or victim's identity or expression so offensive or frightening that they were provoked into reacting, were acting in self-defense, were of diminished capacity, or were temporarily insane, and that this circumstance should be exculpatory or mitigating;

WHEREAS, the LGBTQ+ panic defense legal strategy asks a judge or jury to find that a victim's sexual orientation, gender identity, or expression is to blame for the defendant's violent reaction, including murder, and is rooted in homophobia and transphobia and legitimizes and excuses violent and lethal behavior against members of the LGBTQ+ community;

**ENROLLED ORIGINAL**

WHEREAS, by a defendant's request to be acquitted of crimes against LGBTQ+ victims because of the victims' sexual orientation, gender identity, or gender expression, these defenses imply that LGBTQ+ lives are worth less than others' or worthy of being feared. As long as the LGBTQ+ "panic" defense is available to a defendant, prejudices against LGBTQ+ District residents are normalized and justified;

WHEREAS, in the United States, the LGBTQ+ community makes up an estimated 3.5% of the total population, yet the LGBTQ+ community is vastly overrepresented in hate crime statistics. In 2017, sexual orientation ranked as the third highest "motivator" for hate crime incidents at 17% of total attacks – a 4% percent increase from 2016 – behind race (51%) and religion (18%). In 2017, there were 1,249 recorded hate crimes against people for their sexual orientation and gender identity;

WHEREAS, over the course of lesbian, gay, or bisexual people's lifetimes, one in five will experience a hate crime, and one in four transgender people will as well. Those individuals who experience the intersection of homophobia, transphobia, and racism face a higher likelihood. Between 2013 and 2017, of the 102 known transgender people killed in hate crimes in the United States, 75 were Black or African American;

WHEREAS, bias-motivated crimes are especially harmful to a victim's mental health. Victims of crimes that are bias-motivated are more likely to experience post-traumatic stress, safety concerns, depression, anxiety, and anger than are victims of crimes that are not motivated by bias. Furthermore, bias-motivated crimes affect not only the specific person victimized, as they send messages to members of the victim's community that they are unwelcome and unsafe;

WHEREAS, because of the unique harms caused by bias-motivated crimes, the federal government and many states have enacted laws that treat these crimes differently than offenses committed without bias. However, so far only 11 jurisdictions have legislated against "panic" defenses to defendants accused of bias-motivated crimes. Since 2014, LGBTQ+ panic defense as a legal strategy has been banned in California, Illinois, Rhode Island, Connecticut, Hawaii, Maine, Nevada, New York, New Jersey, Washington, and Colorado;

WHEREAS, on June 5, 2019, Senator Edward Markey (D-MA) and Congressman Joe Kennedy III (D-MA) introduced S.1721 and H.R.3133, respectively, the Gay and Trans Panic Defense Prohibition Acts of 2019, in the United States Senate and House of Representatives, which would end the use of the LGBTQ+ panic defense;

WHEREAS, the LGBTQ+ panic defense remains legally admissible in 39 states;

WHEREAS, according to the current research of W. Carsten Andresen, a criminal justice scholar at St Edward's University in Austin, Texas, in 104 cases identified nationwide, defense attorneys who enter LGBTQ+ panic defenses reduced a defendant's murder charge 32% of the time;

**ENROLLED ORIGINAL**

WHEREAS, Professor Andresen’s research further found that offenders in these cases killed the victims in particularly violent ways, most often using a knife or their hands to kill and only using firearms about 26% of the time;

WHEREAS, with the passage of B23-0409, those who commit violence against members of the LGBTQ+ community will no longer be able to escape criminal liability for their violent acts, and that LGBTQ+ District residents will enjoy the full protection of the law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Furthering Equality and the Prohibition of the LGBTQ+ Panic Defense Ceremonial Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes the important step of eliminating the LGBTQ+ panic defense to protect vulnerable communities and further the safety of LGBTQ+ persons in the District.

Sec. 3. This resolution shall take effect immediately.



## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-345

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To recognize the International Day to End Violence Against Sex Workers, and to declare Thursday

December 17, 2020, as “International Day to End Violence Against Sex Workers” in the District of Columbia.

WHEREAS, sex workers, or people who offer sexual services in exchange for something of value, are disproportionately targeted for violence around the globe and in the District of Columbia;

WHEREAS, criminalization of sex work and the accompanying stigma lead to sex workers being viewed as less worthy of having their human rights respected and protected, as exemplified by the comments of Gary Ridgeway, the Green River Killer, after admitting to the murders of over 70 women in Washington State, “I picked prostitutes because I thought I could kill as many of them as I wanted without getting caught”;

WHEREAS, sex workers organized the first International Day to End Violence Against Sex Workers on the date of Ridgeway’s conviction, to draw attention to the impunity with which people commit violence against sex workers, and the obstacles sex workers face when attempting to report violence;

WHEREAS, studies in the U.S. have revealed that as many as 80% of street-based sex workers have faced violence in the course of their work;

WHEREAS, research in the District of Columbia has found that more than half of sex workers who reached out to police for help received negative reactions, and 1 in 10 had been subject to physical or sexual violence at the hands of law enforcement;

WHEREAS, this violence disproportionately affects people involved in commercial sex who are marginalized in other ways, such as women, people of color, transgender individuals, migrants, and young people;

**ENROLLED ORIGINAL**

WHEREAS, the District of Columbia strives to be a city that is welcoming and safe for all residents and visitors, and ending violence in our communities is a high priority;

WHEREAS, the International Day to End Violence Against Sex Workers is commemorated on December 17 around the world; and

WHEREAS, in the District of Columbia, a memorial event is usually planned by community members and organizations to recognize International Day to End Violence Against Sex Workers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “International Day to End Violence Against Sex Workers Recognition Resolution of 2020”.

Sec. 2. The Council of the District of Columbia recognizes the human rights of sex workers, including their right to be free from violence, and declares Thursday, December 17, 2020 as “International Day to End Violence Against Sex Workers” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-346

## COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To recognize Michael J. Warren upon the occasion of his retirement from the District of Columbia Retirement Board and for all of the work he has done on behalf of the residents of the District.

WHEREAS, Michael J. Warren received a B.A. in history from Yale University and a degree in philosophy, politics, and economics from Balliol College at Oxford University where he was a Rhodes Scholar. He serves on the Yale School of Management's Board of Advisors and on the Yale President's Council for International Activities;

WHEREAS, Michael J. Warren has a long history of providing service to the District and to the nation;

WHEREAS, during the Clinton Administration, Michael J. Warren served in the White House as Executive Director of the President's National Economic Council and at the U.S. Department of Labor in the Office of the Secretary;

WHEREAS, Michael J. Warren was a member of the Obama-Biden Transition Project's Agency Review Working Group, helping to oversee the international trade and economics agencies;

WHEREAS, Michael J. Warren also served as Senior Advisor in the White House Office of Presidential Personnel, overseeing the appointments process for senior officials at the Department of the Treasury and economic cluster agencies;

WHEREAS, Michael J. Warren was appointed by President Obama to serve as a member of the Board of Directors of the Overseas Private Investment Corporation (OPIC), the U.S. development finance institution, where he chaired the Audit Committee;

WHEREAS, Michael J. Warren was appointed by the Council of the District of Columbia to the District of Columbia Retirement Board in March of 2005;

WHEREAS, Michael J. Warren served 2 terms as Chairman of the Board and served as Vice Chair of the Investment Committee at the time of his exit from the Board;

**ENROLLED ORIGINAL**

WHEREAS, Michael J. Warren has served on a multitude of boards of financial bringing many years of leadership in financial services, international business, and government policy, advising clients on international growth strategies, stakeholder management issues, and economic and geopolitical issues affecting global markets and institutions;

WHEREAS, Michael J. Warren is discontinuing his service on the District of Columbia Retirement Board to pursue leadership roles that could conflict with his duties on the Board and which will require increased personal time commitments;

WHEREAS, Michael J. Warren has provided invaluable leadership, commitment, and expertise to the Retirement Board, contributing to the District's retirement funds being the healthiest of any other jurisdiction in the United States; and

WHEREAS, Michael J. Warren's contributions to the health of the District's retirement funds have helped ensure a stable retirement for current and future retired police, firefighters, and teachers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Michael J. Warren Ceremonial Recognition Resolution of 2020."

Sec. 2. The Council honors Michael J. Warren on the occasion of his departure from the District of Columbia Retirement Board and thanks him for the distinguished service and valuable contribution he has rendered to the District of Columbia and its government employees.

Sec. 3. This Resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

23-347

## COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To posthumously honor, recognize, and memorialize the life and legacy of Betty King, and her charitable and civic contributions to the District of Columbia.

WHEREAS, Betty King served the District of Columbia with distinction as a civic leader, community activist, women's rights advocate, political advisor, artist, author, International educator, and celebrated civil servant;

WHEREAS, Ms. King was born in Cleveland, OH, in 1932 to Warren Griffin King and Katherine Elizabeth White King and attended Laurel School in Cleveland, Miss Masters School in Dobbs Ferry, NY, and Vassar and Finch Colleges in New York;

WHEREAS, while in New York, Ms. King began her lifelong support of the arts community working on and off Broadway and administering scholarships and training programs to the African American Institute;

WHEREAS, Ms. King was an enduring proponent of the African continent and people, becoming an educator when she served as Executive Director of the Mozambique Institute in Tanzania, East Africa and an international businesswoman when she was named Director and Chairman of the Board of Continental Ore Ltd. and International Gems;

WHEREAS, Ms. King worked for the 1972 McGovern for President campaign, the National Women's Caucus, and the National Bicentennial Commission;

WHEREAS, Ms. King served as principal fundraiser and political organizer of the historic 1978 Marion Barry Mayoral Campaign, from which she spearheaded an oral history project that is now housed at George Washington University's Gelman Library;

WHEREAS, Ms. King served as special Assistant to the Mayor for Boards and Commissions where she facilitated historic nominations of women, LGBTQ, and minority appointees; served as Deputy Chief of Staff for the Mayor; as Director of the Mayor's Office of the Ombudsman; and Vice Chairperson of the Board of Zoning Adjustment in the Marion Barry administrations;

**ENROLLED ORIGINAL**

WHEREAS, Ms. King loved the social, political and cultural fabric of life in the District of Columbia, her home for over 30 years, where she was an elected member of the local Democratic State Committee, the national Democratic Party and Americans for Democratic Action, and non-profit organizations such as the Historical Society of Washington, D.C.; and was as a founding member of FRESHFARM Markets- DuPont Circle's first farmer's market;

WHEREAS, Mr. King retired in Miami Beach, FL where she remained active with political, charitable and civic affairs, supported numerous artists and emerging arts, served on the Miami-Dade Democratic Executive Committee, and volunteered with Radio Reader, a radio station for the blind;

WHEREAS, Ms. King was a publisher and author who wrote about various topics ranging from cooking, international travel, and history and genealogy; and

WHEREAS, Mr. King passed peacefully on February 23, 2020 in Miami Beach, Florida.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Betty King Posthumous Recognition Resolution of 2020".

Sec. 2. The Council recognizes and honors the late Betty King for her service to the District of Columbia

Sec. 3. This Resolution shall take effect immediately.

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

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

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

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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PROPOSED LEGISLATION**

B24-0012 African American and Cultural Studies Inclusion Amendment Act of 2021

Intro. 01-04-2021 by Councilmembers McDuffie, Silverman, Gray, T. White, Allen, Bonds, Lewis George, Henderson, R. White, Pinto, Cheh, Nadeau, and Chairman Mendelson and referred to the Committee of the Whole

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PR24-0027 District of Columbia Housing Authority Board of Commissioners Jose Ortiz Gaud Confirmation Resolution of 2020

Intro. 11-23-2020 by Chairman Mendelson and referred to the Committee on Housing and Executive Administration

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COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**Universal Paid Family Leave: Six Month Review**

**Friday, January 22, 2021, 10:00 a.m.**

**Virtual roundtable via Zoom  
Broadcast on DC Cable Channel 13 and online at [www.dccouncil.us](http://www.dccouncil.us)**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public oversight roundtable before the Committee on the District's universal paid family leave program. The roundtable will be held on Friday, January 22, 2021, at 10:00 a.m. The Universal Paid Leave Amendment Act of 2016 (L21-264) established a paid leave system to provide partial wage replacement for District workers in need of leave from work due to serious family illness, personal medical needs, or to care for a new child.

The universal paid leave program began providing benefits to eligible workers on July 1, 2020. At this roundtable, the Committee will hear testimony concerning the first six months of the program. This review will discuss data on claims and claimants; the information technology (IT) systems for filing claims, paying benefits to claimants, and employer contributions; the Workplace Leave Navigators grant program; public outreach; staffing; and more. The Committee will also review the contents of the most recent quarterly paid leave implementation report, for FY 2021 Quarter 1, submitted December 15, 2020, as mandated by D.C. Official Code §32-541.04(h) and (i), as well as responses to the Committee's December 9, 2020, letter to the Department of Employment Services. The quarterly report is available at <https://lms.dccouncil.us/downloads/LIMS/46126/Introduction/RC23-0230-Introduction.pdf>. The Committee letter is available and responses will be posted at [https://www.elissasilverman.com/uplroundtable\\_01222021](https://www.elissasilverman.com/uplroundtable_01222021).

Witnesses may use their phone or computer to participate in this virtual roundtable. Those who wish to testify must sign up no later than 5:00 p.m. on Wednesday, January 20, 2021, by providing their information using the following link: <https://forms.gle/YEWq4vqWSKvPUjPG9>. Witnesses must provide their name, email address, telephone number, organizational affiliation (if any), and job title (if any), as well as whether they require language interpretation or sign language interpretation. Witnesses who require language interpretation or sign language interpretation are asked to complete the form linked above or email the Labor Committee at [labor@dccouncil.us](mailto:labor@dccouncil.us) as soon as possible, but no later than 5:00 p.m. on Wednesday, January 13, 2021, stating their need for interpretation and requested language. The Council's Office of the Secretary will fulfill timely requests for



language interpretation services; however, requests received later than January 13 may not be able to be fulfilled due to vendor availability.

On Thursday, January 21, the Committee will email witnesses who signed up by January 20, in order to provide them with details about how to participate in the roundtable via the Zoom platform. Only witnesses who have signed up by the Wednesday, January 20, 5:00 pm deadline will be permitted to participate. Those planning to testify are encouraged to submit an electronic copy of written testimony by 3:00 p.m. on Thursday, January 21 so that staff may distribute testimonies to Committee members and staff before the hearing.

If anyone is unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to [labor@dccouncil.us](mailto:labor@dccouncil.us). Additionally, the public may provide testimony by voice mail by calling (202) 455-0153, stating and spelling the witness's name, stating any organizational affiliation, and speaking slowly to provide a statement to be transcribed and included in the record. The record will close at 5:00 p.m. on Friday, February 5, 2021.

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

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE

on

Re-Opening District of Columbia Public Schools (DCPS)

On

**Thursday, January 21, 2021 at 1:00 p.m.**  
**Chairman's Website** ([www.ChairmanMendelson.com/live](http://www.ChairmanMendelson.com/live))  
**DC Council Website** ([www.dccouncil.us](http://www.dccouncil.us))  
**Council Channel 13** (Cable Television Providers)  
**Office of Cable Television Website** ([entertainment.dc.gov](http://entertainment.dc.gov))

Council Chairman Phil Mendelson announces the scheduling of a public roundtable of the Committee of the Whole on the re-opening District of Columbia Public Schools (DCPS). The roundtable will be held on **Thursday January 21, 2021 at 1:00 p.m. Noon** Live via Zoom Video Conference Broadcast.

The purpose of this roundtable is to hear from District of Columbia Public Schools (DCPS) leadership on the proposed plan to increase the number of students who will return to in-person instruction for Term 3, beginning on February 1. This roundtable will be an opportunity for DCPS leadership to provide clarity on a plan to move forward with and improve distance learning while welcoming students back to in-person instruction safely during the pandemic. In addition, DCPS announced the launch of their ReOpen Community Corps, a diverse group of school-level stakeholders that convenes at every elementary school and will support and advise school leaders in understanding learning models and impacts on the community for reopening. The Committee would like to hear more about the outcomes of the community corps across the District and its impact on DCPS's plan to partially re-open on February 1.

The number of public witnesses will be limited. Those who wish to testify must register at <http://www.ChairmanMendelson.com/testify> by the close of business on Monday, January 18, 2021. **Testimony is limited to three minutes.** Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. If you have additional questions, please contact Destiny Riley, Committee Assistant, at (202) 724-8196.

Due to the COVID-19 public health emergency declaration, the roundtable will be conducted virtually on the Internet utilizing Zoom video conference technology. Because of this, written or transcribed testimony from the public is highly encouraged and will be taken by email

or voicemail. Testimony may be submitted in writing to [cow@dccouncil.us](mailto:cow@dccouncil.us) or may be left by voicemail (up to 3 minutes – which will be transcribed – by calling (202) 430-6948. Testimony received by close of business on January 18, 2021 will be posted publicly to <http://www.chairmanmendelson.com/circulation> prior to the roundtable. If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to [cow@dccouncil.us](mailto:cow@dccouncil.us). The record will close at 5:00pm on February 5, 2021.

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

**B24-5**, Non-Public Student Educational Continuity Temporary Amendment Act of 2021 adopted on first reading on January 5, 2020. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on February 2, 2021.

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

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

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

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

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**GBM 24-0001                      FY 2020 Grant Budget Modifications as November 20, 2020**

RECEIVED: 2-day review begins January 6, 2021

**GBM 24-0002                      FY 2020 Grant Budget Modifications as of November 25, 2020**

RECEIVED: 2-day review begins January 6, 2021

**GBM 24-0003                      FY 2020 Grant Budget Modifications as of December 9, 2020**

RECEIVED: 2-day review begins January 6, 2021

**GBM 24-0004                      FY 2020 Grant Budget Modifications as of December 11, 2020**

RECEIVED: 2-day review begins January 6, 2021

**GBM 24-0005**

**FY 2020 Grant Budget Modifications as December 4, 2020**

RECEIVED: 2-day review begins January 7, 2021

**GBM 24-0006**

**FY 2020 Grant Budget Modifications as of December 15, 2020**

RECEIVED: 2-day review begins January 7, 2021

**GBM 24-0007**

**FY 2020 Grant Budget Modifications as of December 18, 2020**

RECEIVED: 2-day review begins January 7, 2021

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 15, 2021
Protest Petition Deadline: March 22, 2021
Roll Call Hearing Date: April 12, 2021
Protest Hearing Date: June 16, 2021

License No.: ABRA-117630
Licensee: Capitol Grounds Café, Inc.
Trade Name: Capitol Grounds Café
License Class: Retailer’s Class “B”
Address: 1010 17th Street, N.W.
Contact: Chrissie Chang: (703) 992-3994

WARD 2

ANC 2B

SMD 2B05

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 12, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on June 16, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer B Beer and Wine store.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday and Saturday CLOSED, Monday through Friday 8am – 3:30 pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: January 15, 2021  
Protest Petition Deadline: March 22, 2021  
Roll Call Hearing Date: April 12, 2021  
Protest Hearing Date: June 16, 2021

License No.: ABRA-117669  
Licensee: Smashburger Acquisition-DC LLC  
Trade Name: Smashburger #1738  
License Class: Retailer's Class "D" Restaurant  
Address: 804 7<sup>th</sup> Street, N.W.  
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 12, 2021 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **June 16, 2021 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer's Class D Restaurant with a seating capacity of 50 and Total Occupancy Load of 75.

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

Sunday through Saturday 7:30am – 10:30pm



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 15, 2021
Protest Petition Deadline: March 22, 2021
Roll Call Hearing Date: April 12, 2021
Protest Hearing Date: June 16, 2021

License No.: ABRA-116883
Licensee: Taphouse Management, LLC.
Trade Name: Tap99
License Class: Retailer’s Class “C” Tavern
Address: 1250 Half Street, S.E.
Contact: Sean Morris: (301) 654-6570

WARD 6

ANC 6D

SMD 6D02

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 12, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on June 16, 2021 at 1:30 p.m.

NATURE OF OPERATION

The Establishment will be a full-service tavern serving lunch and dinner with a full bar serving beer, wine, cider and cocktails. Seating Capacity of 98 and a Total Occupancy Load of 98. Request to add a Sidewalk Café with 30 seats.

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

Sunday 11am – 11pm, Monday through Thursday 11am – 12am, Friday and Saturday 11am – 3am

**BOARD OF ZONING ADJUSTMENT**  
**REVISED PUBLIC HEARING NOTICE**  
**WEDNESDAY, MARCH 17, 2021**  
**VIRTUAL HEARING via WEBEX**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD SIX**

<b>Application of:</b>	Andrew McKinley
<b>Case No.:</b>	20407
<b>Address:</b>	307 A Street N.E. (Square 786, Lot 814)
<b>ANC:</b>	6C
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>• the lot occupancy requirements of Subtitle E § 504.1 (pursuant to Subtitle E § 5201 and X § 901.2)</li> </ul>
<b>Project:</b>	To construct two-story rear addition, to an existing, attached, three-story, principal dwelling unit in the RF-3 Zone.

**WARD FIVE**

<b>Application of:</b>	Marcel and Stacey Clarke
<b>Case No.:</b>	20411
<b>Address:</b>	2600 4th Street SE (Square 3551, Lot 1)
<b>ANC:</b>	5E
<b>Relief:</b>	Area Variance from: <ul style="list-style-type: none"> <li>• the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle X, Chapter 10)</li> </ul>
<b>Project:</b>	To construct two three-story flats in the RF-1 Zone

REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 17, 2021  
 PAGE NO. 2

**WARD TWO**

<b>Application of:</b>	<b>1515 WISCONSIN AVENUE LLC</b>
<b>Case No.:</b>	<b>20412</b>
<b>Address:</b>	1515 Wisconsin Avenue N.W. (Square 1271, Lot 44)
<b>ANC:</b>	<b>2E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>• the lot occupancy requirements of Subtitle G § 404.1 (pursuant to Subtitle G § 1200.1 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a two-story addition on the top of the first floor at the rear portion of the existing building, and to construct a three-story rear addition, to construct 9 residential units, in the existing, three-story building in the MU-4 Zone.

**WARD SIX**

<b>Application of:</b>	<b>James Francis Smyth</b>
<b>Case No.:</b>	<b>20415</b>
<b>Address:</b>	515 10 <sup>th</sup> Street S.E. (Square 3564, Lot 810)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>• the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a second-story addition to an existing, detached, one-story accessory structure in the RF-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 17, 2021  
 PAGE NO. 3

**WARD SIX**

<b>Application of:</b>	<b>1443 Girard Associates, LLC</b>
<b>Case No.:</b>	<b>20416</b>
<b>Address:</b>	1443 Girard Street N.W. (Square 2668, Lot 817)
<b>ANC:</b>	<b>1A</b>
<b>Relief:</b>	Area Variance from: <ul style="list-style-type: none"> <li>• the parking size and layout requirements of Subtitle C § 712.3 (pursuant to Subtitle X, Chapter 10)</li> </ul>
<b>Project:</b>	To construct two compact parking spaces at the rear of an existing, three-story apartment house in the RA-2 Zone.

**WARD FIVE**

<b>Application of:</b>	<b>Brian Mulhern and Marisa Garcia Lozano</b>
<b>Case No.:</b>	<b>20419</b>
<b>Address:</b>	5406 Kansas Avenue N.W. (Square 3330, Lot 8)
<b>ANC:</b>	<b>5E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>• the lot occupancy requirements of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a rear deck and stairs to an existing, attached, two-story principal dwelling unit in the R-3 Zone.

REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 17, 2021  
 PAGE NO. 4

**WARD ONE**

<b>Application of:</b>	<b>428 Manor Place, LLC</b>
<b>Case No.:</b>	<b>20420</b>
<b>Address:</b>	428 Manor Place N.W. (Square 3036, Lot 66)
<b>ANC:</b>	<b>1A</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"> <li>• the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)</li> <li>• the minimum vehicle parking requirements of Subtitle C § 701.5 (pursuant to Subtitle C § 703.2 and Subtitle X § 901.2)</li> <li>• the minimum court requirements of Subtitle E 203.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li> <li>• the rear addition requirements of Subtitle E 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a third story addition and a three-story rear addition to an existing, attached, two-story principal dwelling unit, and to convert the principal dwelling unit to a three-unit apartment house in the RF-1 Zone.

**WARD TWO**

<b>Application of:</b>	<b>Love Properties, LLC</b>
<b>Case No.:</b>	<b>20421</b>
<b>Address:</b>	2818 Pennsylvania N.W. (Square 1195, Lot 817)
<b>ANC:</b>	<b>2E</b>
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>• the rear yard requirements of Subtitle G § 405.2 (pursuant to Subtitle G § 1200.1 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a two-story rear addition, to an existing two-story commercial building in the MU-4 Zone.

REVISED BZA PUBLIC HEARING NOTICE  
MARCH 17, 2021  
PAGE NO. 5

**PLEASE NOTE:**

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

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**Do you need assistance to participate?**

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**Do you need assistance to participate?**

Amharic

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

Chinese

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French

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Korean

참여하시는데 도움이 필요하세요?

REVISED BZA PUBLIC HEARING NOTICE  
MARCH 17, 2021  
PAGE NO. 6

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

Spanish

¿Necesita ayuda para participar?

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Vietnamese

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

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

**FREDERICK L. HILL, CHAIRPERSON**  
**LORNA L. JOHN, VICE-CHAIRPERSON**  
**VACANT, MEMBER**  
**CHRISHAUN SMITH, MEMBER,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**BOARD OF ZONING ADJUSTMENT  
REVISED PUBLIC HEARING NOTICE  
 WEDNESDAY, MARCH 24, 2021  
 VIRTUAL HEARING via WEBEX**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD SEVEN**

<b>Application of:</b>	Narayanswarup, Inc.
<b>Case No.:</b>	20417
<b>Address:</b>	4914-4918 Central Avenue N.E. (Square 5190, Lot 28)
<b>ANC:</b>	7C
<b>Relief:</b>	Use Variance from: <ul style="list-style-type: none"> <li>• The use requirements of Subtitle U § 201 (pursuant to Subtitle X, Chapter 10)</li> </ul>
<b>Project:</b>	To permit a commercial use of the first floor and basement, in an existing, nonconforming two-story building in the R-3 Zone.

**WARD SIX**

<b>Application of:</b>	Michael Hsu and Seema Gajwani
<b>Case No.:</b>	20422
<b>Address:</b>	610 South Carolina Avenue S.E. (Square 875, Lot 37)
<b>ANC:</b>	6B
<b>Relief:</b>	Special Exception from: <ul style="list-style-type: none"> <li>• the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a one-story rear addition, to an existing, attached, two-story principal dwelling unit in the RF-1 Zone.



REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 24, 2021  
 PAGE NO. 2

**WARD ONE**

<b>Application of:</b>	<b>Philip J. Cross</b>
<b>Case No.:</b>	<b>20423</b>
<b>Address:</b>	1219 Kenyon Street N.W. (Square 2844, Lot 118)
<b>ANC:</b>	<b>1A</b>
<b>Relief:</b>	Special Exceptions under: <ul style="list-style-type: none"> <li>• the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X 901.2) and from:</li> <li>• the minimum court requirements of Subtitle E 203.1</li> <li>• the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a two-story rear addition, to an existing, attached, two-story, principal dwelling unit, and to convert the principal dwelling unit into a three-unit apartment house in the RF-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 24, 2021  
 PAGE NO. 3

**WARD TWO**

<b>Application of:</b>	<b>Shaw 927, LLC</b>
<b>Case No.:</b>	<b>20424</b>
<b>Address:</b>	927 N Street N.W. (Square 367, Lot 13)
<b>ANC:</b>	<b>2F</b>
<b>Relief:</b>	<p>Special Exceptions under:</p> <ul style="list-style-type: none"> <li>• the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)</li> <li>• the minimum court dimensions of Subtitle E § 203.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li> <li>• the side yard requirements of Subtitle E § 207.4 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li> <li>• the rear yard requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2); and an</li> </ul> <p>Area Variance from:</p> <ul style="list-style-type: none"> <li>• the access requirements of Subtitle C § 711.7 (pursuant to Subtitle X, Chapter 10)</li> </ul>
<b>Project:</b>	To construct a three-story rear addition, and to renovate an existing, nonconforming, three-story, four-unit apartment house with cellar principal dwelling unit, with cellar, in the RF-1 Zone.

**WARD SIX**

<b>Application of:</b>	<b>Parcel 47, LLC</b>
<b>Case No.:</b>	<b>20427</b>
<b>Address:</b>	Bounded by 12 <sup>th</sup> Street S.W., D Street S.W. 14 <sup>th</sup> Street S.W. and Maryland Avenue S.W. (Square 267, Lots 804 and 807)
<b>ANC:</b>	<b>6D</b>
<b>Relief:</b>	<p>Special Exceptions from:</p> <ul style="list-style-type: none"> <li>• the penthouse regulations of Subtitle C § 1500.3(c) (pursuant to Subtitle X 901.2)</li> </ul>
<b>Project:</b>	To permit a restaurant use within the penthouse of a proposed, 13-story, 353-unit mixed use apartment building in the D-5 Zone.

REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 24, 2021  
 PAGE NO. 4

**WARD SEVEN**

<b>Application of:</b>	<b>1501 ERIE ST CONSTRUCTION. LLC</b>
<b>Case No.:</b>	<b>20430</b>
<b>Address:</b>	4269 Meade Street N.E. (Square 5099, Lot 806)
<b>ANC:</b>	<b>7D</b>
<b>Relief:</b>	Area Variance from: <ul style="list-style-type: none"> <li>the minimum lot area requirements of Subtitle D § 302.1 (pursuant to Subtitle X, Chapter 10)</li> </ul>
<b>Project:</b>	To construct a new, three-story, detached, principal dwelling unit in the R-1-B Zone.

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Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

REVISED BZA PUBLIC HEARING NOTICE  
 MARCH 24, 2021  
 PAGE NO. 5

ካስፈላገዎች እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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French

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Spanish

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**LORNA L. JOHN, VICE-CHAIRPERSON**  
**VACANT, MEMBER**  
**CHRISHAUN SMITH, MEMBER,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, APRIL 7, 2021  
VIRTUAL HEARING via WEBEX**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD THREE**

<b>Application of:</b>	<b>Bruno Fabi</b>
<b>Case No.:</b>	<b>20410</b>
<b>Address:</b>	5504 Connecticut Avenue N.W. (Square 1859, Lot 86)
<b>ANC:</b>	<b>3G</b>
<b>Relief:</b>	Use Variance from: <ul style="list-style-type: none"> <li>• the use permissions of Subtitle U § 510.1(g)(3) (pursuant to Subtitle X, Chapter 10)</li> </ul>
<b>Project:</b>	To permit a fast food use in an existing mixed-use building in the MU-3A Zone.

**WARD TWO**

<b>Application of:</b>	<b>Lia Dean</b>
<b>Case No.:</b>	<b>20426</b>
<b>Address:</b>	1415 S Street N.W. (Square 206, Lot 801)
<b>ANC:</b>	<b>2B</b>
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"> <li>• the penthouse setback requirements of Subtitle C § 1502.1 (pursuant to Subtitle C § 1504.1 and Subtitle X § 901.2)</li> <li>• the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201)</li> <li>• the lot occupancy requirements of Subtitle E § 404.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a single-story, rear, screened porch addition, with roof deck, to an existing, attached, two-story principal dwelling unit, in the RF-2 Zone.

BZA PUBLIC HEARING NOTICE  
 APRIL 7, 2021  
 PAGE NO. 2

**WARD TWO**

<b>Application of:</b>	1730 Pennsylvania Avenue, LP
<b>Case No.:</b>	20428
<b>Address:</b>	1730 Pennsylvania Avenue N.W. (Square 168, Lot 51)
<b>ANC:</b>	2A
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"> <li>• the penthouse wall enclosure requirements of Subtitle C § 1500.9(a) (pursuant to Subtitle C 1504.1 and Subtitle X § 901.2); and an Area Variance from:                             <ul style="list-style-type: none"> <li>• the penthouse requirements of Subtitle C § 1500.3(d) (pursuant to Subtitle X, Chapter 10)</li> </ul> </li> </ul>
<b>Project:</b>	To convert existing mechanical space to habitable space, and to construct a permanent penthouse canopy to an existing office building in the D-6 Zone.

**WARD ONE**

<b>Application of:</b>	Prime Realty, LLC
<b>Case No.:</b>	20433
<b>Address:</b>	3556 13th Street N.W. (Square 2834, Lot 172)
<b>ANC:</b>	1A
<b>Relief:</b>	Special Exceptions from: <ul style="list-style-type: none"> <li>• the lot dimension requirements of Subtitle E § 201.4 (pursuant to Subtitle E § 5206.2 and Subtitle X § 901.2)</li> <li>• the rear addition requirements of Subtitle E § 205.5 (pursuant to Subtitle E §§ 205.4 and 5201; and Subtitle X § 901.2)</li> <li>• the height requirements of Subtitle E 303.3 (pursuant to Subtitle E 5203 and</li> </ul>
<b>Project:</b>	To subdivide the existing lot into two record lots, and to construct two flats, one on each new record lot, for a total of four units, one of which will be an Inclusionary Zoning unit, in the RF-1 Zone.

BZA PUBLIC HEARING NOTICE  
 APRIL 7, 2021  
 PAGE NO. 3

**WARD TWO**

<b>Application of:</b>	<b>John F. Williams and Daniel S. Williams</b>
<b>Case No.:</b>	<b>20434</b>
<b>Address:</b>	929 M Street N.W. (Square 368, Lot 124)
<b>ANC:</b>	<b>2F</b>
<b>Relief:</b>	Special Exception under: <ul style="list-style-type: none"> <li>• the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To convert an existing, two-story principal dwelling unit, into a three-unit apartment house in the RF-1 Zone.

**WARD SIX**

<b>Application of:</b>	<b>Schmidt Development. LLC</b>
<b>Case No.:</b>	<b>20436</b>
<b>Address:</b>	1300 I Street N.E. (Square 1026N, Lot 802)
<b>ANC:</b>	<b>6A</b>
<b>Relief:</b>	Special Exceptions under: <ul style="list-style-type: none"> <li>• the residential conversion requirements of Subtitle U § 320.3 (pursuant to Subtitle X § 901.2), and from;</li> <li>• the rooftop and upper floor element requirements of Subtitle E § 206.1 (pursuant to Subtitle E § 5207 and Subtitle X § 901.2)</li> </ul>
<b>Project:</b>	To construct a third story with rear and side additions, and to construct six residential units to an existing, two-story, detached building the RF-1 Zone.

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BZA PUBLIC HEARING NOTICE  
APRIL 7, 2021  
PAGE NO. 4

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Amharic

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

Chinese

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French

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Korean

참여하시는데 도움이 필요하세요?  
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Spanish

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

Vietnamese



BZA PUBLIC HEARING NOTICE  
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Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON**  
**LORNA L. JOHN, VICE-CHAIRPERSON**  
**VACANT, MEMBER**  
**CHRISHAUN SMITH, MEMBER,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**DEPARTMENT OF BEHAVIORAL HEALTH**  
**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Behavioral Health (the Department), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption of a new Chapter 65 (Transition Planning Eligibility, Provider Certification, and Service Standards) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

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. 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 for a transition planning service. To comply with the demonstration program, the Department must establish transition planning provider certification requirements and service and eligibility standards. This service will connect individuals experiencing a behavioral health-related hospitalization or substance use disorder (SUD)-related residential treatment stay to continued treatment and support services ahead of their discharge in order to promote recovery and prevent avoidable readmissions.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 9, 2020 at 67 DCR 11727. The Department made three (3) technical changes from the Emergency and Proposed Rulemaking: (1) to clarify the definition of Medicaid eligible or enrolled individuals in § 6501.1; (2) to clarify in § 6501.2 the time-period in which an individual is eligible for the service, consistent with § 6511.2(a); and (3) to eliminate § 6501.3 of the Emergency and Proposed Rulemaking, as the language was inapplicable to transition planning providers because the Chapter does not create a locally-funded transition planning benefit. In response to the Notice of Emergency and Proposed Rulemaking, the Department received comments from Disability Rights DC at University Legal Services. The comments and any changes are addressed below.

The commenter expressed concern that adding an additional provider into the discharge process could create confusion and that the transition planning provider and discharging facility should communicate to clients/consumers and their families the role of the transition planning provider and how it differs from other community providers to which the client/consumer is connected. The Department agrees about the importance of clients/consumers and families understanding the roles and responsibilities of each provider involved in their care, which is why the service components described in §§ 6511.1(a)(7) and (b)(2)(i) require the transition planning provider to meet with the client/consumer and their family/natural supports to establish the provider as a resource and to promote understanding of the discharge plan. Because this requirement already exists in the chapter, the Department declines to make any changes to the final rulemaking to address this comment.

The commenter disagreed with the service eligibility criteria that excludes individuals enrolled in one of the following District Medicaid programs: managed care, 1915(c) waivers, or health homes. The commenter stated that individuals enrolled in these programs should be eligible for transition planning services as the programs do not provide the type of support offered by the transition planning providers certified under this chapter. The Department declines to alter the eligibility criteria, since the transition planning service is duplicative of the care coordination and case management components offered by the aforementioned programs. The transition planning service is intended for individuals who are not otherwise eligible for and connected to District Medicaid care coordination programs. The Department and DHCF are committed to ensuring that District programs fulfill their care coordination and case management requirements effectively, and welcome stakeholder feedback to help the District identify and address areas of needed improvement. For concerns about DC Health Home, please contact the Department's Ombudsman Office; for concerns about My Health GPS, the Medicaid Home and Community-Based Services Waiver Program (authorized under §1915(c) of the Social Security Act), or for managed care, please contact DHCF's Ombudsman Office.

The commenter also questioned the utility of the transition planning service if only a small number of individuals are eligible in light of the ongoing transition of Medicaid fee-for-service (FFS) enrollees into managed care. The Department notes, as stated above, that the transition planning benefit supports individuals with care transitions who are not otherwise connected to Medicaid programs which include care coordination and case management functions. Even after the October 1, 2020 transition of individuals from FFS into managed care, approximately 50,000 individuals remain in the FFS population and could be eligible for this service.

The commenter requested clarification on how long a transition planning provider will serve a client/consumer after discharge and when their work is considered complete. The Department notes that per § 6511.2(a), the service is rendered anytime during the thirty (30) calendar days prior to and on the day of the client's/consumer's discharge. Any follow-up after the day of discharge is the responsibility of the lower level of care provider(s) to whom the client/consumer is connected as a part of the transition planning service. However, the Department agrees that further explanation is needed and is made clarifying edits to the eligibility language in § 6501.2 to be consistent with § 6511.2(a).

The commenter expressed appreciation that the transition planning service includes assessment of housing needs as one of the service components, but requested clarification about how much assistance a transition planning provider must render in the acquisition of needed housing. Specifically, the commenter requested clarity on: 1) whether it is the discharging facility's or the transition planning provider's responsibility to ensure submission of applications for housing options; 2) when the transition planning provider's obligation to assist ends; and 3) if it will be sufficient for a client/consumer to be discharged into temporary housing, or if the transition planning provider must assist until more stable housing is identified. The Department recognizes the critical link between stable housing and the recovery process following a hospitalization and has invested in numerous efforts to improve housing options for individuals with behavioral health conditions. The transition planning provider would be expected to work in partnership with the many supportive housing options available in the District, but the responsibility for submission of housing applications will depend on an individual consumer's/client's



- (2) An adult with mental illness as defined in D.C. Official Code § 7-1131.02(24); or
  - (3) An individual with a substance use disorder (SUD), as defined in Subsection 6301.1 of Chapter 63 of this subtitle;
- (b) Be a *bona fide* resident of the District, as defined in D.C. Official Code § 7-1131.02(29);
- (c) Be enrolled in Medicaid or be eligible for enrollment and in the process of applying;
- (d) Be experiencing an institutional treatment stay described in § 6501.2; and
- (e) Not be enrolled in any one of the following District programs:
- (1) Medicaid managed care;
  - (2) Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities, as described in Title 29 DCMR Chapter 42;
  - (3) Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities, as described in Title 29 DCMR Chapter 19;
  - (4) DC Health Home, as described in Title 22-A DCMR Chapter 25; or
  - (5) My Health GPS, as described in Title 29 DCMR Chapter 102.
- 6501.2 An individual meeting the criteria described in § 6501.1 shall be eligible for the transition planning service if they are experiencing an institutional stay in an inpatient hospital or residential SUD treatment setting related to a primary mental health or SUD diagnosis, and the service is rendered to the individual within thirty (30) calendar days ahead of and/or on the day of discharge from the:
- (a) Inpatient hospital setting into an outpatient or community-based setting, or SUD residential treatment setting; or
  - (b) SUD residential treatment setting into an outpatient or community-based setting, or a lower level SUD residential treatment setting.

## 6502 PROVIDER CERTIFICATION PROCESS

- 6502.1 The Department shall utilize the certification process to thoroughly evaluate the applicant's capacity to provide a high quality transition planning service in accordance with this Chapter and the needs of the District's behavioral health system.

- 6502.2 Each applicant seeking certification as a transition planning provider shall submit a certification application to the Department in the format established by the Department. A certified transition planning provider seeking renewal of certification shall submit an application at least ninety (90) calendar days prior to expiration of its current certification. The existing 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.
- 6502.3 Certification shall be considered terminated if the transition planning provider:
- (a) Fails to submit a complete certification application ninety (90) calendar days prior to the expiration date of its current certification;
  - (b) Voluntarily relinquishes certification; or
  - (c) Terminates operations.
- 6502.4 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.
- 6502.5 Following the Department's acceptance of the certification application, the Department shall review the application and may conduct a survey to determine whether the applicant meets the certification standards described in this chapter. 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/consumers served.
- 6502.6 The Department may conduct announced or unannounced surveys at any time during the period of certification.
- 6502.7 Applicant or transition planning provider interference with a survey, 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.
- 6502.8 A Statement of Deficiency (SOD) is a written notice to an applicant or existing transition planning provider identifying non-compliance with certification standards. The intent of the SOD is to provide:
- (a) Applicants with an opportunity to correct minor deficiencies during the certification application process; or

- (b) Existing certified providers with an opportunity to correct minor deficiencies at any time to avoid decertification and disruption of services.
- 6502.9 The Department will not normally issue an SOD to applicants who fail to demonstrate compliance with certification 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 the transition planning service to District residents and deny the application.
- 6502.10 When utilized, the SOD shall describe the areas of non-compliance, suggest actions needed to bring operations into compliance with the certification standards, and establish a timeframe of no more than ten (10) business days for the applicant's or existing transition planning provider's submission of a written Corrective Action Plan (CAP).
- 6502.11 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 client/consumer or staff health or safety, or when there is a failure to comply with core requirements of this chapter.
- 6502.12 The Department is not required to utilize the SOD process. The Department may immediately deny certification or proceed with decertification.
- 6502.13 An applicant or certified transition planning 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) business days after receipt of the SOD from the Department, or sooner if specified in the SOD.
- 6502.14 The Department shall, within ten (10) business days after receipt, notify the applicant or certified provider whether the CAP is accepted.
- 6502.15 The Department may only issue certification after the Department verifies that the applicant or certified transition planning provider has remediated all of the deficiencies identified in the CAP and meets all the certification standards in this chapter.
- 6502.16 A determination to grant certification shall be based on the Department's review and validation of the information provided in the application, as well as any survey findings, any CAP, and the provider's compliance with this chapter.
- 6502.17 Certification as a transition planning provider shall be for one (1) calendar year for new applicants and two (2) calendar years for existing providers seeking renewal. 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.

- 6502.18 Certification is not transferable to any other organization.
- 6502.19 A person or entity 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 §§ 6504.3 and 6504.4. The Department shall not accept any applications for which a notice of moratorium is published in the District of Columbia Register.
- 6502.20 In the event that a certification application is under review while a moratorium is put in place, the Department shall 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 applicant shall be granted ten (10) business days to resolve all items of incompleteness. Any items not resolved or provided by the due date shall result in the incomplete application being returned to the applicant and the Department shall take no further action to issue certification. The applicant shall then wait until the moratorium is lifted to submit any subsequent certification application.
- 6502.21 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 transition planning providers.
- 6502.22 The transition planning provider shall notify the Department within two (2) business days of any changes in its operations that affect the provider's continued compliance with these certification standards, including changes in:
- (a) Ownership or control,
  - (b) Staff rendering transition planning services, and
  - (c) Any affiliation and referral arrangements.
- 6502.23 A provider shall immediately report to the Department any criminal allegations involving provider staff.

### **6503 EXEMPTIONS FROM CERTIFICATION STANDARDS**

- 6503.1 Upon good cause shown, the Department may exempt an applicant or current transition planning provider from a certification standard, if the exemption does not:
- (a) Jeopardize the health and safety of clients/consumers and/or staff,
  - (b) Violate clients'/consumers' rights, or
  - (c) Otherwise conflict with the purpose and intent of this chapter.
- 6503.2 If the Department approves an exemption, such exemption shall end on the expiration date of the provider's certification or on an earlier date if specified by the



Department; unless the provider requests renewal of the exemption prior to expiration of its certification or the earlier date set by the Department.

6503.3 The Department may at any time revoke an exemption that it determines is no longer appropriate.

6503.4 All requests for an exemption from certification standards shall be submitted in writing to the Department.

#### **6504 DENIAL OR DECERTIFICATION PROCESS**

6504.1 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 a high quality transition planning service on a sustained and regular basis.

6504.2 An applicant may make minor corrections and substitutions to its application during the certification process. However, evidence of one (1) 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) The lack of demonstrated experience providing transition planning services by the applicant's clinical leadership, practitioners, and/or staff;
- (e) An applicant's lack of financial resources to carry out its commitments and obligations under this chapter for the foreseeable future;
- (f) An applicant's failure to respond in a timely manner to the Department's requests for information; and
- (g) History of poor performance.

6504.3 Within fifteen (15) business days of the date on the certification denial, an applicant may make a request for an administrative review of the decision from the Director. Each request for an administrative review shall be in writing and contain a concise statement of the reason(s) why the applicant asserts that the certification denial was in error and any relevant supporting documentation.

6504.4 The Director shall complete the administrative review within fifteen (15) business days of receipt of the applicant's request, to determine whether the certification denial complied with this subsection. The Director shall issue a written decision and

- provide a copy to the provider. The Director's decision shall be final and not subject to further appeal.
- 6504.5 An applicant and its executive leadership shall be prohibited from reapplying for certification for twelve (12) months following the date of the initial denial or, if applicable, the date of the denial pursuant to the Director's administrative review.
- 6504.6 The Department shall decertify existing transition planning providers who fail to comply with the certification requirements contained in this chapter. Evidence of one (1) 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 where there are two (2) or more changes made to the leadership staff within a 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 twenty-five percent (25%);
  - (f) Poor quality of services;
  - (g) A provider's lack of financial resources to carry out its commitments and obligations under this chapter for the foreseeable future, as evidenced by an inability to pay all staff, or an inability to provide at least ninety (90) days of running capital as dictated by the provider's monthly operating budget; or
  - (h) Failure to cooperate with Department investigations or lack of timely response to information requests.
- 6504.7 Nothing in this chapter requires the Director to issue an SOD prior to decertifying a transition planning provider. If the Director finds that there are grounds for decertification, the Director shall 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.
- 6504.8 Within fifteen (15) business days of the date on the notice of decertification, the provider may request an administrative review from the Director. Each request for an administrative review shall be in writing and contain a concise statement of the reason(s) why the provider asserts that decertification should not have occurred and any relevant supporting documentation.

- 6504.9 The Director shall complete the administrative review within fifteen (15) business days of receipt of the provider's request, to determine whether the decertification complied with this subsection. The Director shall issue a written decision and provide a copy to the provider.
- 6504.10 If the Director denies the appeal and approves the decertification, the provider may within fifteen (15) business days of receipt of the Director's written decision request a hearing under the D.C. Administrative Procedure Act, D.C. Official Code §§ 2-501, *et seq.* 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.
- 6504.11 Upon decertification, the transition planning provider and its executive leadership shall be prohibited from reapplying for certification for a period of two (2) years following the later of the date of the decertification letter or the date of the decertification order (if applicable). If a provider reapplies for certification, the provider shall reapply in accordance with the established certification standards and show evidence that the grounds for the revocation have been corrected.

## **6505 NOTICES OF INFRACTION**

- 6505.1 The Department may issue an NOI for any violation of this chapter. The fine amount for any NOI issued under this chapter shall be as follows:
- (a) For the first (1<sup>st</sup>) offense, five hundred dollars (\$500.00);
  - (b) For the second (2<sup>nd</sup>) offense, one thousand dollars (\$1,000.00);
  - (c) For the third (3<sup>rd</sup>) offense, two thousand dollars (\$2,000.00); and
  - (d) For the fourth (4<sup>th</sup>) and subsequent offenses, four thousand dollars (\$4,000.00).
- 6505.2 The administrative procedure for the appeal of an NOI issued under this chapter shall be governed by 16 DCMR §§ 3100 *et seq.*

## **6506 PROVIDER DISCONTINUATION OF SERVICES**

- 6506.1 A transition planning provider shall provide written notification to the Department at least ninety (90) calendar days before its discontinuation of the transition planning service, or immediately upon knowledge of an impending discontinuation of service less than ninety (90) calendar days in the future. This notification shall include plans for continuity of care for current clients/consumers and preservation of clients'/consumers' records.
- 6506.2 The Department shall review the continuity of care plan and make recommendations to the provider. The provider shall incorporate all Department recommendations necessary to ensure a safe and orderly transfer of care.

6506.3 Discontinuation of the transition planning service does not absolve a provider from its legal responsibilities regarding the preservation and storage of client/consumer records as described in §§ 6509.6, 6509.8, and 6509.9, and all other applicable Federal and District laws and regulations. A provider shall take all necessary and appropriate measures to ensure client/consumer records are preserved, maintained, and made available to the clients/consumers upon request after discontinuation of services.

**6507 GENERAL TRANSITION PLANNING PROVIDER STANDARDS**

6507.1 No person or entity shall apply for certification, and no transition planning provider shall apply for recertification or be permitted to maintain certification as a transition planning provider, if they are:

- (a) Not enrolled in the District's Medicaid program, in accordance with the requirements of Title 29 Chapter 94, as a(n):
  - (1) Mental Health Rehabilitation Services (MHRS) provider;
  - (2) Adult Substance Abuse Rehabilitative Services (ASARS) provider;
  - (3) Free Standing Mental Health Clinic (FSMHC); or
  - (4) Federally Qualified Health Center (FQHC); or
- (b) Subject to exclusion, suspension, termination, or sanction(s) as described in Title 29 DCMR Chapter 13 and Title 29 DCMM Chapter 94.

6507.2 An applicant for initial certification as a transition planning provider shall demonstrate meeting, at the time of application submission, the following standards:

- (a) Provides health home services pursuant to either Title 22-A DCMR Chapter 25 or Title 29 DCMR Chapter 69 or renders care coordination services;
- (b) Has at least three (3) years of experience providing mental health and/or SUD treatment services to a minimum of three hundred (300) individuals per calendar year in the DC metropolitan area;
- (c) Within the six (6) years prior to application submission, has assisted with the discharge of at least one hundred (100) individuals with complex needs from inpatient or residential mental health or SUD treatment settings, and achieved a thirty (30)-day readmission rate that does not exceed twenty percent (20%) for mental health or SUD-related admissions;
- (d) Within the six (6) months prior to application submission, for the population served by the applicant, the applicant rendered transition support, case management, or care coordination services to at least eighty percent (80%) of

individuals who had inpatient or residential mental health or SUD treatment admissions; and

- (e) As evidenced by summary data from anytime within the previous three (3) calendar years, the ability to track and monitor:
  - (1) The number of clients/consumers who have transitioned to a higher or lower level of care for treatment of a mental health or SUD diagnosis, including admissions to an inpatient or residential treatment setting; and
  - (2) The responses to/outcomes of the inpatient or residential mental health or SUD treatment admissions.

6507.3 A transition planning provider shall render the service to individuals in all three (3) populations described in § 6501.1(a), for whom the provider receives a referral. Circumstances in which a provider shall be exempt from the requirement to render the service are when:

- (a) The referred individual does not consent to receive the transition planning service;
- (b) The referred individual is discharged from the institution or leaves the institution against medical advice, prior to the transition planning provider having initiated contact with the discharging institution in the time-frame specified in § 6507.4; or
- (c) Any other situation specified by the Department.

6507.4 Upon notification of a referral, a transition planning provider shall contact the discharging institution in the following time-frame:

- (a) If the provider is notified before 3:00 p.m., the provider shall contact the institution on the same day; and
- (b) If the provider is notified at 3:00 p.m. or after, the provider shall contact the institution by 10:00 a.m. the next day.

6507.5 A transition planning provider shall respond to referrals and render services, as appropriate, seven (7) days per week, three hundred sixty-five (365) days per year. The provider shall at a minimum be available to respond to client/consumer and discharging entity communications during the hours of 8:15 a.m.-5:00 p.m. The provider shall respond on the same day if such communication was received before 3:00 p.m., or by 10:00 a.m. the next day if the communication was received at 3:00 p.m. or after.

6507.6 A transition planning provider shall operate according to all applicable Federal and District laws and regulations relating to fraud, waste, and abuse in health care and the

Medicaid program. A provider's failure to report potential or suspected fraud, waste, or abuse may result in sanctions or exclusion from participation as a transition planning provider. Each transition planning provider shall:

- (a) Cooperate and assist any District or Federal agency charged with the duty of identifying, investigating, or prosecuting suspected fraud, waste, or abuse;
- (b) Provide the Department with regular access to the provider's medical and billing records, including electronic medical records, within twenty-four (24) hours of a Departmental request, or immediately in the case of emergency;
- (c) Be responsible for promptly reporting suspected fraud, waste, or abuse to the Department, taking prompt corrective actions, and cooperating with DHCF or other governmental investigations; and
- (d) Ensure that none of its practitioners have been excluded from participation as a Medicaid or Medicare provider. If a practitioner is determined to be excluded by the Center for Medicare and Medicaid Services (CMS), the provider shall notify the Department immediately.

6507.7 A transition planning provider shall comply with all Federal and District laws and regulations related to administrative practice ethics, including but not limited to, the False Claims Act, 31 U.S.C. §§ 3729-3733; the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b; the Physician Self-Referral (Stark) Law, 42 U.S.C. § 1395nn; and the Exclusion Statute, 42 U.S.C. § 1320a-7.

6507.8 A transition planning provider shall have the necessary operational capacity to submit claims, document information on services provided, and track payments received with applicable Department and DHCF requirements.

6507.9 A transition planning provider shall participate through a formal agreement with a registered Health Information Exchange (HIE) entity of the DC Health Information Exchange (DC HIE), defined in Title 29 DCMR Chapter 87.

6507.10 A transition planning provider shall incorporate the service into the quality improvement and quality assurance policies and procedures required under its respective FSMHC, MHRS, or SUD provider certification, or the applicable Federal and District laws, regulations, and policies governing FQHCs.

6507.11 A transition planning provider shall incorporate the service into the liability insurance coverage required under its respective FSMHC, MHRS, or SUD provider certification, or the applicable Federal and District laws, regulations, and policies governing FQHCs.

6507.12 A transition planning provider shall follow the same corporate compliance and fiscal management standards and business record-keeping procedures as required under its respective FSMHC, MHRS, or SUD provider certification, or the applicable Federal and District laws, regulations, and policies governing FQHCs.

**6508 CLIENT/CONSUMER RIGHTS AND PROTECTIONS**

- 6508.1 Each transition planning provider shall establish and adhere to policies and procedures related to client/consumer rights and protections, including obtaining informed consent from clients/consumers and addressing complaints and grievances (Client/Consumer Rights Policy). The transition planning provider shall ensure that the Client/Consumer Rights Policy establishes requirements for compliance with all applicable Federal and District laws and regulations, including but not limited to:
- (a) 22-A DCMR Chapter 1, 22-A DCMR § 301.3, and 22-A DCMR § 306, when rendering services to individuals with a primary mental health diagnosis; and
  - (b) 22-A DCMR §§ 6320.1(a) through 6320.1(k), 6320.1(n) through 6320.1(w), 6320.2 through 6320.4, and 6320.6 when rendering services to clients with a primary SUD diagnosis.
- 6508.2 Each transition planning provider shall establish and adhere to policies and procedures to ensure clients'/consumers' right to access services that are culturally appropriate, including through use of adaptive equipment or sign language interpreter or translation services, as appropriate (Language Access Policy). The policy shall comply with the Americans with Disabilities Act of 1990 and Amendment Act of 2010, 42 U.S.C. §§ 12101, *et seq.* and the Language Access Act, D.C. Code §§ 2-1931, *et seq.*
- 6508.3 A transition planning provider shall develop and adopt a "Client/Consumer Choice Policy," which shall establish policies and procedures governing how:
- (a) Clients/consumers shall be informed of the full choices of the following providers and how to access them:
    - (1) Transition planning providers, and
    - (2) Post-discharge providers for needed treatment services identified during the discharge planning process; and
  - (b) A provider shall accommodate a client/consumer request to receive the transition planning service from a different staff member, if available and to the extent feasible.
- 6508.4 Medicaid beneficiaries are entitled to Notice and Appeal rights pursuant to Title 29 DCMR § 9508 in cases of intended adverse action, such as an action to deny, discontinue, terminate, or change the manner or form of the Medicaid-funded transition planning service.
- 6508.5 The following provider policies shall be submitted to the Department for review and approval during the certification and recertification process:
- (a) Client/Consumer Rights Policy;

- (b) Language Access Policy. Providers who are:
  - (1) MHRS providers may submit their MHRS “Language Access Policy” to demonstrate compliance, if the provider extends the policy to apply to the transition planning service; and
  - (2) FSMCHs may submit their “Interpreter Policy” to demonstrate compliance, if the provider extends the policy to apply to the transition planning service; and
- (c) Client/Consumer Choice Policy.

**6509 CONFIDENTIALITY, CONTENTS, AND MANAGEMENT OF CLIENT/CONSUMER RECORDS**

- 6509.1 A transition planning provider shall create and maintain a record that meets the standards described in §§ 6509.3 and 6509.4 for each client/consumer who was referred to them, regardless of whether the provider ultimately delivered a reimbursable service.
- 6509.2 In the event that the provider does not initiate provision of the transition planning service, for reasons described in § 6507.3, the provider shall document the specific reason in the client/consumer record.
- 6509.3 All information related to provision of the transition planning service shall be entered into the client’s/consumer’s record. This shall at a minimum include the following elements, unless not applicable per § 6509.2:
- (a) Complete identification data, including Medicaid number;
  - (b) Emergency contact information;
  - (c) The client’s/consumer’s behavioral health diagnoses and any known physical health diagnoses;
  - (d) The results of any assessments that were completed by the discharging institution or the transition planning provider;
  - (e) The discharge plan, which includes documentation of the needed services and supports identified during the discharge planning process. The discharging institution’s discharge plan, summary, instruction, or other documentation may serve as the discharge plan for purposes of this chapter. If the discharging institution does not create such document for inclusion in the client/consumer record, the transition planning provider shall develop a discharge plan with the necessary information and detail;
  - (f) Documentation of all rendered transition planning service components and related encounter notes meeting the standards set forth in § 6501.4;



- (g) Documentation of any treatment or support services provider(s) with a current relationship with the client/consumer;
- (h) Documentation of all referrals to treatment and support services providers;
- (i) Documentation of correspondence with other medical, human service, social service, educational, and criminal justice entities as it pertains to a consumer's/client's treatment and recovery;
- (j) For children and youth, documentation of family member or guardian involvement in the transition planning service or a statement of reasons why it was not indicated or if the provider was unable to secure participation;
- (k) The client's/consumer's consent to the transition planning service;
- (l) The signed Consumer Rights or Client's Rights Statement, whichever is applicable;
- (m) Documentation that the client/consumer received the transition planning provider's notice of privacy practices; and
- (n) Signed confidentiality forms and releases to permit the transition planning provider to obtain and/or release information.

6509.4 Encounter notes shall sufficiently document in writing each activity conducted involving a transition planning service component. At a minimum each note shall consist of:

- (a) A dated, timed, and authenticated entry with the author identified, that includes the date, duration, and actual beginning and ending time (denoting a.m. or p.m.) during which the service component was rendered; entered by the person providing the service. The provider shall ensure all entries are authenticated by a process that verifies the author's identity (e.g., a unique log-in used only by the author);
- (b) Name, title, credentials, and signature of the person providing the service component;
- (c) The specific service component rendered;
- (d) A description of each encounter or activity sufficient to document that the service component was provided, and is in support of the needs identified in the discharge plan;
- (e) A description of the client/consumer response to the encounter when the service component involves direct client/consumer contact; and

- (f) The setting or means by which the service component was rendered (e.g., in person, telephonically, via email).
- 6509.5 A transition planning provider shall utilize an electronic health records system to document the services provided to clients/consumers.
- 6509.6 Each provider shall develop and implement a “Confidentiality and Release of Information Policy” that describes the policies and procedures for storing and managing client/consumer information in compliance with the confidentiality requirements contained in all applicable Federal and District laws and regulations, including the Health Insurance Portability and Accountability Act (HIPAA), the D.C. Mental Health Information Act, and 42 CFR. Part 2. This shall include policies and procedures for requiring the provider to:
- (a) Encourage consumers/clients to authorize the disclosure of protected behavioral health information to other health care and human services providers to facilitate access to and coordinate treatment and support services;
  - (b) Advise each client/consumer of the provider’s notice of privacy practices;
  - (c) Give mental health consumers the opportunity to opt-out of disclosures in accordance to the District of Columbia Mental Health Information Act, D.C. Code § 7-1203.01 and document the consumers’ decisions; and
  - (d) Secure all records in a manner that provides protection from unauthorized disclosure, access, use, or damage.
- 6509.7 The Confidentiality and Release of Information Policy shall be submitted to the Department for review and approval during the certification and recertification process.
- 6509.8 A transition planning provider shall have in place back-up and redundant systems and measures to prevent the loss of data, enable data recovery, and safeguard client/consumer records in the event of operator or equipment failure, natural disasters, power outages, and other emergency situations.
- 6509.9 A transition planning provider shall retain each client/consumer record in accordance with the following requirements:
- (a) When the client/consumer is an adult, for at least ten (10) years after the date of the last encounter;
  - (b) When the client/consumer is a minor, for at least ten (10) years after the minor has reached the age of eighteen (18) years; and
  - (c) In case of litigation or adverse audit findings, until all such litigation or adverse audit findings have been resolved, or in accordance with the timeframes described in (a) and (b), whichever is later.

**6510 TRANSITION PLANNING STAFFING AND SUPERVISION STANDARDS**

- 6510.1 A transition planning provider shall have the necessary expertise to deliver a high quality service to eligible individuals in each of the three (3) populations described in § 6501.1(a).
- 6510.2 A transition planning provider shall follow best practices in case management and care coordination, including ensuring that the staff rendering the transition planning service can:
- (a) Establish rapport quickly and communicate effectively with clients/consumers, family members, natural supports, and providers;
  - (b) Function effectively as a member of a multi-disciplinary team;
  - (c) Conduct brief, evidenced-based, and developmentally appropriate screenings and conduct or arrange for more detailed assessments when indicated;
  - (d) Create and/or implement integrated service plans for access to the array of linked services, and ensure exchange of information among clients/consumers, family members, natural supports, and providers;
  - (e) Provide services in a culturally competent manner;
  - (f) Effectively navigate the local system of healthcare delivery, coverage, and financing; and
  - (g) Use information technology to support integrated service delivery and information exchange.
- 6510.3 A transition planning provider shall establish and adhere to policies and procedures for selecting and hiring staff (Staff Selection Policy) that comply with the Staff Selection Policy requirements described in 22-A DCMR Chapter 34. FSMHCs, and MHRS and ASARS providers are deemed to be in compliance with this requirement, if they incorporate the transition planning service into the staff selection policies required under their respective FSMHC, MHRS, or SUD provider certifications.
- 6510.4 A transition planning provider shall follow the same personnel records and management policies required under its respective FSMHC, MHRS, or SUD provider certification, or the applicable Federal and District laws, regulations, and policies governing FQHCs.
- 6510.5 A transition planning provider shall establish a written plan for organizational onboarding and staff training and development, which reflects the training and performance improvement needs of its employees. The plan shall at a minimum include culturally competent training and onboarding activities in the following core areas:

- (a) The provider's approach to service provision, including philosophy, goals, and methods;
- (b) The staff member's specific job description and role in relationship to other staff;
- (c) Policies and procedures governing infection control, protection against exposure to communicable diseases, and the use of universal precautions;
- (d) Laws, regulations, and policies governing confidentiality of client/consumer information and release of information, including the D.C. Mental Health Information Act, HIPAA and 42 CFR Part 2;
- (e) Laws, regulations, and policies governing reporting abuse and neglect;
- (f) Consumer/client rights; and
- (g) Other trainings, as deemed necessary by the Department.

6510.6 A transition planning 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, as well as any ongoing training requirements. The minimum qualifications for each position shall be appropriate for the scope of responsibility and any clinical practice described for each position.

6510.7 A transition planning provider shall follow the same policies and procedures for periodic staff performance evaluations as required under its respective FSMHC, MHRS, or SUD provider certification, or the applicable Federal and District laws, regulations, and policies governing FQHCs.

6510.8 Individuals who meet the following criteria shall be qualified to render the transition planning service when under supervision of a clinician described in § 6510.9, in accordance with applicable laws and regulations:

- (a) Individuals who are:
  - (1) Certified Recovery Coaches;
  - (2) Certified Peer Specialists; or
  - (3) Hold at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field; and
- (b) Have at least at least two (2) years of relevant, qualifying full-time-equivalent experience in human service delivery;

- (c) Demonstrate skills in developing positive and productive community relationships;
- (d) Have the ability to negotiate complex service systems to obtain needed services and resources for individuals; and
- (e) Are trained within six (6) months of hiring and every other year thereafter in:
  - (1) The ASAM Criteria;
  - (2) The Diagnostic and Statistical Manual of Mental Health Disorders (DSM);
  - (3) Motivational Interviewing; and
  - (4) The Transtheoretical Model

6510.9 Individuals who meet the following criteria shall be qualified to supervise individuals described in § 6510.8, as well as render the transition planning service themselves, in accordance with applicable scope of practice and supervision regulations:

- (a) Be one of the following independently licensed clinician types:
  - (1) Physician;
  - (2) Psychologist;
  - (3) Licensed independent clinical social worker (LICSW);
  - (4) Advanced Practice Registered Nurse (APRN);
  - (5) Licensed professional counselor (LPC); or
  - (6) Licensed marriage and family therapist (LMFT); and
- (b) Have:
  - (1) A minimum of three (3) years of experience in behavioral health care delivery, and
  - (2) Demonstrated knowledge in navigating local resources and systems in serving consumers/clients with mental health and/or substance use disorders.

6510.10 Clinicians acting as supervisors shall provide clinical support and clinical and administrative oversight in accordance with applicable scope of practice and supervision regulations. For consumers/clients who have more complex needs and multi-system involvement, the supervisor may need to become directly involved in the provision of transition planning service components.

- 6510.11 If the transition planning service is to be rendered by individuals described in § 6510.8, a provider shall develop and establish policies and procedures related to supervision (Supervision Policy) in accordance with applicable scope of practice and supervision regulations, which shall require:
- (a) Supervisor-Supervisee Written Agreements developed with participation of both the supervisor and supervisee, that include the following information:
    - (1) Supervision frequency, length, format, and purpose;
    - (2) How the supervisor shall evaluate the supervisee's performance and the individual goals designed to improve the performance; and
    - (3) The supervisor and supervisee's rights and responsibilities in supervision;
  - (b) Supervisors to document supervision sessions and include at a minimum the following information:
    - (1) Date, length, and format of session (i.e., group or individual);
    - (2) Name and signature of the supervisor; and
    - (3) Highlights and needed follow-up;
  - (c) A minimum of four (4) hours of supervision to full-time employees per month, prorated to two (2) hours minimum for part time-employees (working twenty (20) hours or less per week);
  - (d) The content of discussions to be related to service delivery and outcomes and include a review of clinical records to ensure they are current, appropriate, and complete;
  - (e) A supervisor-supervisee staffing ratio that meets the following requirements:
    - (1) One (1) supervisor shall have no more than ten (10) full-time supervisees or twelve (12) part-time/full-time supervisees; and
    - (2) The mix within supervisor-supervisee and client/consumer assigned ratios shall be adequately distributed to address the complexity of the case, intensity of the service, and staff capacity; and
  - (f) The provider to develop an internal system for supervisee access to a supervisor in the evenings and on weekends, as well as during normal business hours. This shall include circumstances and events that call for direct contact with the supervisor.

6510.12 The following provider policies shall be submitted to the Department for review and approval during the certification and recertification process:

- (a) Staff Selection Policy, if not already deemed in compliance as described in § 6510.3; and
- (b) Supervision Policy.

## **6511 TRANSITION PLANNING SERVICE COMPONENTS**

6511.1 The transition planning service provides individuals not otherwise connected to care coordination or case management programs with similar support prior to being discharged from certain institutional treatment settings into lower levels of care. The transition planning service connects clients/consumers to treatment and support services that promote their recovery and reduce the chances of avoidable inpatient or residential treatment readmissions. The transition planning service consists of activities related to development of a discharge plan, including assessment of the client's/consumer's needs post-discharge, and care coordination and case management related to implementation of the identified needs. Transition planning provider activities, as appropriate and applicable to an individual client/consumer, include, but are not limited to the following:

- (a) Discharge plan development:
  - (1) Participation in the discharging facility's discharge planning process and treatment team meetings;
  - (2) Ensuring participation by the client/consumer (and parent or guardian, if applicable) in the discharge planning, and where appropriate, promoting participation by family members and other natural supports;
  - (3) Promoting participation by providers of needed post-discharge services and supports, if already identified;
  - (4) If not already completed, participating in and/or conducting the following activities using a person-centered planning approach:
    - i. Assessments of clients'/consumers' strengths and challenges, which, if applicable, shall include use of a Department-approved functional assessment tool;
    - ii. Assessments of needed services and supports, e.g., financial (e.g., Supplemental Security Income), environmental (e.g., housing or transportation), medical (e.g., mental health, SUD, or physical health), social (e.g., legal or educational) and emotional; and

- iii. For clients/consumers who have been readmitted following a stay within the past thirty (30) calendar days, in depth reviews or case conferences to inform the discharge planning process and reduce readmission risks and increase the likelihood of obtaining appropriate follow-up care;
- (5) Identifying available resources (e.g., informal, District, or other community resources) to address identified needs;
- (6) Making recommendations on the discharge plan to the rest of discharge planning team;
- (7) Meeting with the client/consumer (and/or family/natural supports, when applicable and appropriate) outside of treatment team meetings to collect information relevant to discharge plan development and establish the transition planning provider as a resource; and
- (8) Ensuring medication reconciliation has been conducted; and
- (b) Collaborating with the discharging facility on and leading activities related to implementation of the discharge plan, such as:
  - (1) Verification that the client's/consumer's insurance covers their medication(s), and that the client/consumer has sufficient medication and prescriptions to bridge the time-period between discharge and a follow-up medication-somatic appointment;
  - (2) Meeting with the client/consumer (and/or family/natural supports, when applicable and appropriate), to:
    - i. Promote understanding of the discharge plan and discuss the status of implementation; and
    - ii. Provide education regarding diagnoses and what to do in case of post-discharge problems;
  - (3) Working with the client/consumer, and parent or guardian when applicable and appropriate, to select post-discharge service providers, based on the client's/consumer's needs;
  - (4) Re-establishing, as appropriate, any pre-existing linkages to providers;
  - (5) Coordinating with the discharging entity to ensure needed health care appointments have been made; and
  - (6) Ensuring necessary supports (e.g., transportation) are in place, making arrangements if necessary, for clients/consumers to transfer to lower levels of care or attend post-discharge appointments;



- (7) Engaging in care coordination with the health care providers who will be treating the client/consumer post-discharge;
- (8) Working to ensure that any needed prior authorization(s) for service(s) are in place on the day of the client's/consumer's discharge;
- (9) Coordinating with the discharging entity to assist in acquisition of other needed services and supports, e.g., housing, public benefits; and
- (10) Ensuring post-discharge providers of treatment and supports receive the relevant discharge plan information.

6511.2 In order to be eligible for reimbursement for rendering a transition planning service, the provider shall meet the following requirements:

- (a) The transition planning service components are rendered anytime during the thirty (30) calendar days prior to and/or on the day of the client's/consumer's discharge from an institutional stay that meets the requirements described in § 6501.2;
- (b) For clients/consumers who are discharged within forty-eight (48) hours after the transition planning provider is notified of the need for the service, the provider shall at a minimum render the following service components:
  - (1) Participate in the discharging facility's discharge planning process, including any treatment team meeting(s);
  - (2) Meet with the client/consumer (and/or parent or guardian, when applicable and appropriate), to conduct applicable activities described in §§ 6511.1(a)(7) and 6511.1(b)(2), unless the consumer/client (or parent or guardian) refuses to meet despite having consented to the transition planning service. In such cases the provider shall document the refusal. Any first meeting with the client/consumer shall be in-person, unless not permitted or feasible due to documented, extenuating circumstances; and
  - (3) Conduct implementing activities related to at least one (1) of the needs identified in the discharge plan; and
- (c) For clients/consumers whose discharge occurs more than forty-eight (48) hours after the transition planning provider is notified of the need for the service, the provider shall at a minimum render the following service components:
  - (1) All components described in § 6511.2(b); and
  - (2) If not already completed, participating in and/or leading completion of:

- i. Person-centered assessments of clients'/consumers' strengths and challenges, which, if applicable, shall include use of a Department-approved functional assessment tool; and
- ii. Person-centered assessments of needed services and supports, e.g., financial (e.g., Supplemental Security Income), environmental (e.g., housing or transportation), medical (e.g., mental health, SUD, or physical health), social (e.g., legal or educational) and emotional.

## **6512 MAJOR UNUSUAL INCIDENT REPORTS**

6512.1 A transition planning provider shall immediately notify the Department of any major unusual incident that may adversely affect the health, safety, or welfare of the client/consumer to whom they are rendering the transition planning service. The transition planning provider shall submit a completed Department Major Unusual Incident (MUI) Report form to the Department's Division of Incident Management and Investigation email address.

6512.2 In cases where the affected client/consumer is a child or youth, the transition planning provider shall also provide a copy of the completed MUI Report form to the client's/consumer's parent(s) or guardian(s).

6512.3 Major unusual incidents may include, but are not limited to, the following:

- (a) Death of the client/consumer during the time-period in which the individual is a client/consumer of the transition planning provider;
- (b) Injury to or illness of any client/consumer that requires hospitalization or emergency medical treatment and which occurs while the client/consumer is with the transition planning provider;
- (c) Unauthorized departure of a child or youth client/consumer or any circumstances under which a child or youth client/consumer is deemed unaccounted for or missing during the time-period in which the individual is a client/consumer of the transition planning provider;
- (d) Any traffic accident involving a vehicle rented, owned, maintained, or contracted by the transition planning provider, in which the client/consumer was being transported at the time of the accident; and
- (e) Any other incident involving the client/consumer while they are with the transition planning provider, that requires a response by emergency service personnel, such as police, fire, ambulance, or poison control.

6512.4 In the case of a traffic accident or an incident involving perceived or actual criminal activity, the transition planning provider shall also file a report with the appropriate law enforcement authorities.

- 6512.5 Any transition planning provider staff member who knows or reasonably believes that a child or youth client/consumer is, has been, or is in immediate danger of being abused or neglected shall, as required by the District of Columbia Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code §§ 4-1321.01, *et seq.*), make or cause to be made an immediate oral report to:
- (a) The Child Protective Services Division of the Child and Family Services Administration (CFSA), via the CFSA twenty-four (24) hour Child Abuse and Neglect Hotline; and
  - (b) The Metropolitan Police Department (MPD).
- 6512.6 Any transition planning provider staff member who knows or reasonably believes that an adult client/consumer is, has been, or is in immediate danger of being abused or neglected shall, as required by the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Code §§ 7-1901, *et seq.*), make or cause to be made an immediate oral report to:
- (a) Adult Protective Services in the Department of Aging and Community Living (DACL), via the twenty-four (24) hour Adult Protective Services Hotline; and
  - (b) MPD.
- 6512.7 In the MUI Report required by this section, the transition planning provider staff member shall include:
- (a) The name, age, sex, household address, and institutional treatment provider address of the client/consumer who is the subject of the report;
  - (b) A statement that the client/consumer who is the subject of the report is receiving services from the transition planning provider;
  - (c) The name, address, and telephone number of the transition planning provider;
  - (d) If the major unusual incident involves an allegation of child abuse, the transition planning provider shall provide the following information:
    - (1) The information that led the transition planning provider staff member to suspect that the client/consumer who is the subject of the report is being or is at risk of being abused or neglected, the nature and extent of the perceived or actual abuse or neglect, and the identity of the person(s) responsible for it;
    - (2) Any other information that may be helpful in establishing whether the client/consumer who is the subject of the report is being or is at risk of being abused or neglected, the cause of the suspected abuse or neglect, and the identity of the person(s) responsible for it;

- (3) To the extent known, the name, age, and sex of each sibling or child living in the same household as the client/consumer who is the subject of the report; and
- (4) To the extent known, the name, age, and sex of each parent, guardian, or other caretaker of the client/consumer.
- (e) The name, title, occupation, and contact information of the transition planning provider staff member making the report;
- (f) Any actions taken by the transition planning provider staff member or the transition planning provider concerning the client/consumer in response to the situation; and
- (g) Any other information required by law.

## 6599 DEFINITIONS

6599.1 When used in this chapter, the following terms shall have the meaning ascribed:

**Adult Substance Abuse Rehabilitative Services (ASARS) Provider** – A provider certified in accordance with 22-A DCMR Chapter 63 who delivers rehabilitative services for SUD as covered by the District’s Medicaid State Plan.

**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.)).

**Applicant** – A person or entity that has applied to the Department for certification as a transition planning provider.

**ASAM Criteria** – The American Society of Addiction Medicine (ASAM) Criteria are guidelines for placement, continued stay, transfer, or discharge of individuals with substance use disorder and co-occurring conditions.

**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 provision of the transition planning service.

**Certified Peer Specialist** – An individual who has completed the Peer Specialist 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.

**Client** – An individual with an SUD diagnosis who is receiving treatment or support services from a Department-certified provider.

**Clinician** – An individual licensed by the District Department of Health, Health Regulation and Licensing Administration (HRLA) to provide clinical services.

**Consumer** – An individual with a mental health diagnosis who is receiving treatment or support services from a Department-certified provider.

**Department** – The District of Columbia Department of Behavioral Health.

**Director** – The Director of the District of Columbia Department of Behavioral Health.

**District** – The District of Columbia.

**DSM** – The Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition (DSM-5), or subsequent versions, used to diagnose and classify behavioral health disorders.

**Family Member** – Individual identified by the client/consumer as a person with whom the individual has a significant relationship and whose participation is important to the individual's recovery.

**Federally Qualified Health Center (FQHC)** – A provider delivering FQHC services in accordance with 29 DCMR Chapter 45.

**Free Standing Mental Health Clinic (FSMHC)** – A provider certified to deliver FSMHC services in accordance with 22-A DCMR Chapter 30.

**Inpatient Hospital Setting** – An acute care hospital providing inpatient hospital services as defined in 42 CFR § 440.10, or a psychiatric hospital that is an institution for mental diseases as defined in 42 CFR § 435.101 and which is providing inpatient hospital services.

**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. & 2019 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. & 2019 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. & 2019 Supp.)).

**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 Finance (DHCF) that enables the District to receive Federal financial assistance for its medical assistance program and other purposes as permitted by law.

**Mental Health Rehabilitation Services Provider (MHRS) Provider** – A provider certified to deliver MHRS in accordance with 22-A DCMR Chapter 34.

**Motivational Interviewing** – Motivational Interviewing (MI) is a directive, client/consumer-centered counseling approach for eliciting behavior change by helping clients/consumers explore and resolve ambivalence.

**Notice of Infraction (NOI)** – An action taken by agencies to enforce alleged violations of regulatory provisions.

**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.)).

**Psychologist** – A person licensed to practice psychology in accordance with applicable District laws and regulations.

**Residential SUD Treatment Setting** – An SUD treatment program, including ASAM Levels 3.1, 3.3, 3.5, and 3.7-WM, which houses clients overnight.

**Statement of Deficiency (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.

**SUD Provider Certification** – Having approval from the Department to operate an SUD treatment or recovery support program in the District pursuant to the requirements set forth in 22-A DCMR Chapter 63.

**Transtheoretical Model** – The Transtheoretical Model of behavior change is an integrative theory of therapy that assesses an individual's readiness to act on a new, healthier behavior, and provides strategies or processes of change to guide the individual. The model is composed of constructs such as: stages of change, processes of change, levels of change, self-efficacy, and decisional balance.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF FINAL RULEMAKING****Z.C. CASE NO. 20-13<sup>1</sup>****(Text Amendment – Subtitle K of Title 11 DCMR)****(To Allow Office Uses in the SEFC-3 Zone)****December 17, 2020**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Repl.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of its amendment of the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the specific text at the end of this notice: Subtitle K: Special Purpose Zones - § 238.3.

**Setdown**

On June 11, 2020, Goulston & Storrs (Goulston) filed a petition (Petition) to the Commission proposing to add a new paragraph (k) to Subtitle K § 238.3 to add office uses to permitted uses in the SEFC-3 initially allocated to Parcel H to Parcel Q, which is the only property in the SEFC-3 zone, and moved the residential uses initially allocated to Parcel Q to Parcel H. Goulston submitted a June 4, 2020 letter from NCPC approving the proposed amendment of the SEFC Master Plan that included the proposed use changes.

The Office of Planning (OP) filed a July 17, 2020 report that supported setting down the Petition for a public hearing based on OP's analysis that it is not inconsistent with the Comprehensive Plan, as required by Subtitle X § 1300.2.<sup>2</sup> OP noted that the proposed swap of uses between Parcels H and Q would improve the mix of uses across the SEFC area and potential increase the affordable housing provided, because the new housing in Parcel H would likely be rental, and so subject to Inclusionary Zoning (IZ), whereas the residential use originally planned for Parcel Q was condos which are not be subject to IZ.

At its July 27, 2020 public meeting, the Commission heard testimony from OP in support of setting down the Petition for a public hearing. At the conclusion of the meeting, the Commission voted to grant Goulston's request to set down the Petition for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

**Public Hearing**

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<sup>1</sup> For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 20-13.

<sup>2</sup> Although the OP report inadvertently cited the proposed text amendment as revising Subtitle K §§ 241 and 242 in the title and recommendation, its analysis correctly addressed the proposed revision to Subtitle K § 238.3.

OP filed an October 13, 2020 hearing report recommending approval of the Petition.

ANC 6D filed an October 15, 2020 letter (ANC Report) in support of the Petition based on the ANC's determination that the Petition's swap of uses between parcels in the Yards development would address the ANC's concerns to further the SEFC Master Plan for the Yards and provide more housing and more affordable housing. The ANC Report also stated ANC 6D's determination that the Petition is not inconsistent with the Comprehensive Plan.

### **Public Hearing**

At its October 22, 2020 public hearing, the Commission heard testimony from Goulston and OP in support of the Petition.

### **Proposed Action**

At the close of its October 22, 2020 public hearing, the Commission voted to take **PROPOSED ACTION** to grant the Petition and to authorize the publication of a Notice of Proposed Rulemaking:

**VOTE (October 22, 2020): 5-0-0** (Peter G. May, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**)

### **Notice of Proposed Rulemaking**

The Commission published a Notice of Proposed Rulemaking (NPR) in the November 6, 2020, *D.C. Register*. (67 DCR 13157, *et seq.*)

No comments to the NPR were received in the thirty- (30) day period required by § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968. (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2013 Repl.).)

### **National Capital Planning Commission**

The Commission referred the proposed amendment to NCPC on October 26, 2020, for the thirty- (30) day review period required by § 492 of the District Charter.

NCPC filed a December 2, 2020 report stating that it had determined, pursuant to delegated authority, that the proposed amendment was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests.

### **Final Action**

#### **“Great Weight” to the Recommendations of OP**

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds OP's recommendation that the Commission adopt the Petition persuasive and concurs in that judgment.



**“Great Weight” to the Written Report of the ANCs**

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission finds persuasive the ANC Report’s concerns of the importance of providing more housing, including affordable housing, and of furthering the approved SEFC Master Plan for the Yards, and notes that the ANC Report supported the proposed text amendment as addressing these concerns, in which judgement the Commission concurs.

At its December 17, 2020 public meeting, the Commission voted to take **FINAL ACTION** to grant the Petition and to authorize the publication of a Notice of Final Rulemaking:

**VOTE (December 17, 2020): 5-0-0** (Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

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

The following amendments to the text of the Zoning Regulations are hereby adopted.

**Amendment to Subtitle K, SPECIAL PURPOSE ZONES**

**A new paragraph (k) is added to § 238.3 of § 238, USE PERMISSIONS (SEFC-2 AND SEFC-3), of Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, of Subtitle K, SPECIAL PURPOSE ZONES, to read as follows:**

238.3 Notwithstanding Subtitle K § 238.1, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 142 and procedures specified in Subtitle K § 242:

- (a) All buildings and structures that abut the SEFC-4 open space area ...<sup>3</sup>

<sup>3</sup> The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

...

- (i) Education, college/university;
- (j) Daytime care; and
- (k) Within the SEFC-3 zone only, office uses, including chanceries.

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on January 15, 2021.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA****NOTICE OF FINAL RULEMAKING<sup>1</sup>****Z.C. Case No. 20-26****Office of Zoning****(Text Amendment to Subtitle Z for Administrative Approvals of Validity Period of Approvals During COVID-19 Pandemic)****January 4, 2021**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), and 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.)), hereby gives notice of its amendment of the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning Regulations of 2016, to which all references are made unless otherwise specified) (specific text at end of this notice):

- Subtitle Y: Board of Zoning Adjustment Rules of Practice and Procedure - §§ 702, 705, 1600
- Subtitle Z: Zoning Commission Rules of Practice and Procedure - §§ 702, 705, 1600

**Setdown**

On November 4, 2020, the Office of Zoning (OZ) filed a petition (Petition) with the Commission proposing the amendment to provide for administrative extension of the validity of orders approved by the Commission and the Board of Zoning Adjustment (Board) scheduled to expire between October 27, 2020, and April 27, 2021, due to complications of the COVID-19 pandemic.

**Emergency & Proposed Action**

At its November 19, 2020, public meeting, the Commission heard testimony from OZ in favor of the amendment. At the meeting, the Commission voted to grant the Petition to:

- Take emergency action to adopt the Petition;
- Set the Petition down for a public hearing;
- Authorize an immediate publication of proposed rulemaking for the Petition; and
- Authorize a thirty (30)-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the forty (40)-day requirement of Subtitle Z § 502.1 for good cause as detailed below.

The Commission concluded that taking emergency action to adopt the Petition was necessary for the “immediate preservation of the public ... welfare,” as authorized by 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.)), because the Petition provides flexibility to respond

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<sup>1</sup> For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall be known as Z.C. Order No. 20-26.

to the delays and administrative complications caused by the COVID-19 pandemic and resulting public health emergency.

**VOTE** (November 19, 2020): **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

### **Emergency Action**

The emergency rule was effective as of the Commission's November 19, 2020, vote and is superseded by the publication of this Notice of Final Rulemaking in the *D.C. Register* (see the effective date at the end of this notice), prior to the emergency rule's expiration on March 19, 2021, the one hundred-twentieth (120<sup>th</sup>) day after its adoption.

### **Notice of Emergency and Proposed Rulemaking**

The Commission published a Notice of Emergency and Proposed Rulemaking ("NOEPR") in the December 4, 2020, *D.C. Register* (67 DCR 14329).

The Commission received no comments in response to the NOEPR.

### **Public Hearing**

At its January 4, 2021 public meeting, OZ testified in support of the Petition and responded to questions raised by the Commission. No entity or person appeared to testify.

### **National Capital Planning Commission ("NCPC")**

The Commission referred the proposed amendment to the National Capital Planning Commission ("NCPC") on November 23, 2020, for the thirty (30)-day review period required by Section 492 of the District Charter.

NCPC filed a December 2, 2020, report stating that NCPC had determined, pursuant to delegated authority, that the Petition was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests.

### ***"Great Weight" to the Recommendations of OP***

The Commission must give "great weight" to the recommendations of the Office of Planning (OP) pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. ((D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).)

Since OP did not file a report responding to the Petition<sup>2</sup>, the Commission has nothing to which it may give "great weight".

### ***"Great Weight" to the Written Report of the ANCs***

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting

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<sup>2</sup> Although OP did not file a report, the Commission proceeded with the public hearing pursuant to Subtitle Z § 504.5 after waiting forty-five (45) days after the submission of the petition.

pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2). To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

Since no ANC filed a response to the NOEPR, the Commission has nothing to which it may give “great weight”.

### **Final Action**

At the close of its January 4, 2021, public meeting, the Commission voted to take **FINAL ACTION** to adopt the Petition and to authorize the publication of a Notice of Final Rulemaking:

**VOTE** (January 4, 2021):       **5-0-0** (Robert E. Miller, Michael G. Turnbull, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**)

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

The following amendments to the text of the Zoning Regulations are hereby adopted.

### **I. Amendments to Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE**

**Subsections 702.1 and 702.2 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:**

702.1       An order granting a special exception or variance where the establishment of the use is dependent upon the erection or alteration of a structure shall be valid for a period of two (2) years, or one (1) year for an Electronic Equipment Facility, within which time an application shall be filed for a building permit for the erection or alteration approved. If the erection or alteration of more than one (1) structure is approved, a building permit application shall be filed for all such structures within this two (2) year period; provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 shall remain valid for a single period of six (6) months from the date of expiration of the order.

702.2 An order granting a special exception or variance where the establishment of the use is not dependent upon the erection or alteration of a structure shall be valid for a period of six (6) months, within which time an application shall be filed for an certificate of occupancy for the use approved; provided that any order, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 (including any private school or other use approved by special exception), shall remain valid for a single period of six (6) months from the date of expiration of the order.

**Section 705, TIME EXTENSIONS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by adding a new § 705.1, renumbering the existing subsections, and adding a new § 705.7, to read as follows:**

705.1 The provisions of this section apply in their entirety to applications approved by the Board of Zoning Adjustment.

705.2 The Board may extend the time periods in Subtitle Y § 702.1 ...<sup>3</sup>

705.3 A time extension granted pursuant to Subtitle Y § 705.1 ...

705.4 The Board’s decision on the request shall be in writing ...

705.5 A request for a time extension shall toll the expiration date ...

705.6 If the request is not decided prior to an order’s expiration date ...

705.7 For an order scheduled to expire between October 27, 2020 and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Y § 1600.1 and Table Y § 1600.

**Subsection 1600.1 and Table Y § 1600 of § 1600, FILING FEES FOR APPLICATIONS AND APPEALS, of Chapter 16, FEES, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended, to read as follows:**

1600.1 Except as provided in Subtitle Y §§ 1600.2 and 1600.3, at the time of filing a request for an appeal or application with the Board of Zoning Adjustment, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

<sup>3</sup> The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the provisions does not signify an intent to repeal.

- (a) Appeal of any decision of the Zoning Administrator ...
- ...
- (e) For a time extension, a modification of a Board order, or approved plans, whether the modification is minor or not, for the owner of an owner-occupied single dwelling unit or flat, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee; except that:
  - (1) A six (6)-month time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be fifty dollars (\$50) for an owner-occupied single dwelling unit or flat and five hundred twenty dollars (\$520) for all other applicants; and
  - (2) A one (1)-year time extension pursuant to Subtitle Y § 705.7 due to COVID-19 shall be one hundred dollars (\$100) for an owner-occupied single dwelling unit or flat and one thousand dollars (\$1,000) for all other applicants.
- ...

**TABLE Y § 1600 – SCHEDULE OF FILING FEES**

<b>SPECIAL EXCEPTIONS</b>			
<b>Case Type</b>	<b>Unit</b>	<b>Fee</b>	<b>Maximum</b>
Accessory apartment		\$325	
...			
Time extension/minor and non-minor modification (owner-occupied)			
• 6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$50	
• 1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$100	
• All other extensions/minor and non-minor modifications		\$130	
Time extension/minor and non-minor modification (other than owner-occupied)			
• 6-month extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$500	
• 1-year extension pursuant to Subtitle Z § 705.7 due to COVID-19		\$1,000	
• All other extensions/minor and non-minor modifications		26% of the original filing fee	
Warehouse or wholesale use		\$5,200	
...			

**II. Amendments to Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE**

**Subsections 702.1 through 702.3 of § 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended to read as follows:**

702.1 A first-stage approval of a planned unit development (PUD) by the Commission shall be valid for a period of one (1) year, unless a longer period is established by the Commission at that time of approval; provided that any approval, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall remain valid for a single period of six (6) months from the date of expiration of the approval.

702.2 A contested case approval by the Commission shall be valid for a period of two (2) years from the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval, within which time an application shall be filed for a building permit; provided that any approval, including any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020 (including any campus plan approval, whether approved under the BZA or Zoning Commission rules of procedure), shall remain valid for a single period of six (6) months from the date of expiration of the approval.

702.3 Construction shall start within three (3) years after the effective date of the order granting the application, unless a longer period is established by the Commission at the time of approval; provided that any such construction deadline, including by any extension other than one granted by this subsection, scheduled to expire between April 27, 2020 and December 31, 2020, shall be extended by a single period of six (6) months.

**Section 705, TIME EXTENSIONS, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended by revising §§ 705.1, 705.4, 705.5, and by adding a new § 705.9, to read as follows:**

705.1 The provisions of this section apply in their entirety to applications for design review and planned unit developments (PUDs) approved by the Zoning Commission.

...

705.4 Only one (1) extension, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9, may be requested for a design review development approval.



705.5 An applicant with an approved PUD may request no more than two (2) extensions, not including any granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9. The second extension for an extension may be approved for no more than one (1) year.

...

705.9 For an order scheduled to expire between October 27, 2020, and April 27, 2021, an applicant may request an extension due to the complications from the COVID-19 pandemic by filing an application with the Director prior to the expiration of the order sought to be extended, which shall be extended administratively by the Director upon payment of the fee specified in Subtitle Z § 1600.10 and Table Z § 1600.

**Subsection 1600.10 and Table Z § 1600 of § 1600, FILING FEES, of Chapter 16, FEES, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, are amended, including reordering alphabetically, to read as follows:**

1600.10 At the time of filing a request for approval of an extension of time to the validity of a Zoning Commission order, the applicant shall pay a filing fee as follows:

- (a) Six (6)-month time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – five hundred twenty dollars (\$520);
- (b) One (1)-year time extension pursuant to Subtitle Z § 705.9 due to COVID-19 – one thousand dollars (\$1,000); or
- (c) All other time extensions - the greater of one thousand, five hundred dollars (\$1,500) or ten percent (10%) of the original filing fee, up to a maximum of five thousand dollars (\$5,000).

...

**TABLE Z § 1600 – SCHEDULE OF FILING FEES**

CASE TYPE	FEE	MAXIMUM
Map amendment by rulemaking	\$325	
Text amendment	\$325	
Planned unit development (PUD), contested case map amendment, air space development	\$650	
Modification to an approved PUD, air space development	\$520	
Time extension to the validity of an order for an approved design review or PUD		
• 6-month extension pursuant to Subtitle Z § 705.9 due to COVID-19	\$520	
• 1-year extension pursuant to Subtitle Z § 705.9 due to COVID-19	\$1,000	
• All other extensions	The greater of \$1,500 or 10% of the original filing fee	\$5,000
College or university – new or revised campus plans	\$6,500	

College or university – review of a building or use within an approved plan	\$3,250	
Design review (voluntary)	\$2,000	
Design review (mandatory)		
• For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to dwelling units, and the immediate area needed to serve that dwelling unit	\$ 7 (per 100 sq. ft.)	\$65,000
• For each one hundred square feet (100 sq. ft.) of gross floor area or part thereof included in the application devoted to any use other than a dwelling unit and the immediate area needed to serve that dwelling unit	\$13 (per 100 sq. ft.)	
Modification to an approved design review		
• Voluntary	\$1,500	
• Required	The greater of 26% of the original filing fee or \$1,300	

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on January 15, 2021.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**RM5-2020-02-E, FUEL ADJUSTMENT CLAUSE AUDIT AND REVIEW PROGRAM**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802 and 2-505 of the District of Columbia Official Code,<sup>1</sup> of its intent to amend Chapter 5 (Fuel Adjustment Clause Audit and Review Program) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking (NOPR) in the *D.C. Register*.

2. Chapter 5 currently contains legacy regulations governing certain reporting requirements for the Potomac Electric Power Company (Pepco). This NOPR merely changes the annual filing date of Pepco's Annual Consolidated Report (ACR), formally called the Productivity Improvement Plan, from February 15<sup>th</sup> to April 15<sup>th</sup> each year. Specifically, the Commission proposes to: (1) amend the caption at Section 513; and (2) amend Subsection 513.1 to change the filing date of Pepco's ACR.

3. At present, Pepco's ACR reports upon its infrastructure projects, reliability performance, manhole events and inspections, vegetation management, and compliance with the Commission's Electricity Quality of Service Standards.<sup>2</sup>

**Chapter 5, FUEL ADJUSTMENT CLAUSE AUDIT AND REVIEW PROGRAM, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 513, FORMULATION OF A PRODUCTIVITY IMPROVEMENT PLAN, is amended as follows:**

**The title to Section 513 is amended to read, THE ANNUAL CONSOLIDATED REPORT.**

**Subsection 513.1 is amended as follows:**

513.1 By April 15th annually, Pepco shall file an Annual Consolidated Report (ACR) with the Commission, setting forth a description of the Electric Utility's distribution system planning, system operations, and capital investments in associated infrastructure.

4. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments thereon, not later than thirty (30) days after publication of this Notice in the *D.C. Register*. Comments are to be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of

<sup>1</sup> D.C. Official Code § 34-802 (2012 Repl.); § 2-505 (2016 Repl.).

<sup>2</sup> 15 DCMR §§ 501, *et seq.* (1982), as amended on March 6, 1987, June 26, 1987, and October 6, 1995.

Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and are to be submitted electronically through the Commission's website at:

[https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rule may be obtained by visiting the Commission's website at [www.dcpsec.org](http://www.dcpsec.org). Persons with questions concerning this Notice should call (202) 626-5150 or send an email to [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

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

**NOTICE OF EIGHTH EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) - (c) (2012 Repl. & 2019 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, amends Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR) by adding a new Section 810 (Conditions of On-Premises Alcohol Sales and Consumption During the Public Emergency) on an emergency basis.

On March 20, 2020, in response to the spread of COVID-19, Mayor Bowser issued Mayor's Order 2020-050, Extensions of Public Health Emergency: Coronavirus (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – Coronavirus (COVID-19). These Orders served to extend with some changes the two previous Mayor's Orders issued March 11, 2020, (Mayor's Orders 2020-045 and 2020-046) through April 24, 2020. On March 24, 2020, the Mayor issued Mayor's Order 2020-053, temporarily closing all non-essential businesses in the District, and further prohibiting large gatherings. On April 15, 2020, Mayor Bowser extended the public emergency and public health emergency in the District through May 15, 2020, (Mayor's Order 2020-063), and on May 13, 2020, the Mayor extended the public emergency and public health emergency once again through June 8, 2020 (Mayor's Order 2020-066).

Recognizing that other types of ABC licensed establishments sought to offer alcoholic beverages for carry-out and delivery, the Board took further emergency action to allow hotels, multipurpose facilities, and private clubs to obtain temporary restaurant endorsements so that they also could offer alcoholic beverages for carry-out and delivery. The Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Emergency Rulemaking by a vote of six (6) to zero (0). *See* 67 DCR 4589 (March 27, 2020). The Board adopted a second emergency rulemaking on March 25, 2020, by a vote of seven (7) to zero (0), which superseded the emergency rulemaking that the Board had previously adopted. *See* 67 DCR 4130 (April 10, 2020).

On April 22, 2020, by a vote of seven (7) to zero (0), the Board took further emergency action in response to the Council of the District of Columbia's (Council) expansion of carry-out and delivery authorization to nightclubs. Specifically, the Suspension of On-premise Alcohol Sales and Consumption Notice of Third Emergency Rulemaking, which superseded the previously adopted emergency rulemaking, permitted nightclub licensees to obtain a temporary restaurant endorsement so that they can offer alcoholic beverages for carry-out and delivery with at least one (1) prepared food item. *See* 67 DCR 5600 (May 29, 2020).

After the Board adopted the third emergency rulemaking, Mayor Bowser issued Mayor's Order 2020-067, dated May 27, 2020, implementing Phase One of Washington D.C.'s reopening. Among other things, Mayor's Order 2020-067 partially lifted the restriction prohibiting on-site

dining by allowing restaurants, taverns, nightclubs, mixed-use facilities, and other licensed food establishments to offer table service to seated patrons on outdoor public or private space. The Board interpreted the phrase “mixed-use” facilities to include hotels, multipurpose facilities, private clubs and other class CX and DX licensees, and licensed manufacturers that serve food and satisfy the requirements set forth below. Thus, on May 28, 2020, the Board adopted the Suspension of On-premises Alcohol Sales Notice of Fourth Emergency Rulemaking, by a vote of six (6) to zero (0). This emergency rulemaking superseded the previously adopted emergency rulemaking. *See* 67 DCR 7930 (June 26, 2020).

After adopting the fourth emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-075, dated June 19, 2020, which implemented Phase Two of Washington, D.C.’s reopening. Mayor’s Order 2020-075, among other things, allows restaurants, taverns, nightclubs, mixed-use facilities, and other licensed food establishments to: (1) offer on-site dining indoors; (2) limits indoor capacity to no more than fifty percent (50%), excluding staff and outdoor seating; and (3) allow bar seating provided the bar is not being staffed or utilized by a bartender.

In response to the issuance of Mayor’s Order 2020-075, the Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Fifth Emergency Rulemaking on June 19, 2020, by a vote of six (6) to zero (0). *See* 67 DCR 9232. The emergency rulemaking, which superseded the emergency rules the Board had previously adopted, amended § 810 by modifying the conditions under which licensees may sell, serve and allow the consumption of beer, wine, or spirits indoors or outdoors during the public emergency.

Since the adoption of the fifth emergency rulemaking, the Council passed the Streatery Program and Pop Up Locations Emergency Amendment Act of 2020 (A23-346; 67 DCR 9387 (August 7, 2020)), which further modified requirements for ABC-licensed establishments seeking to offer alcoholic beverages for on-site sales and consumption and carryout, as well as those licensees who seek to use expanded or new outdoor public or private spaces. Some of those additional requirements in the Act were absent from the Board’s fifth emergency rulemaking. Thus, in order to ensure that the District’s regulations and the Code were consistent, the Board deemed it necessary to take emergency action. Thus, on August 19, 2020, the Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Sixth Emergency Rulemaking, which superseded the emergency rules the Board had previously adopted. *See* 67 DCR 11139 (September 18, 2020).

After adopting the sixth emergency rulemaking, the ABC Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Seventh Emergency Rulemaking, on September 30, 2020, by a vote of seven (7) to zero (0). *See* 67 DCR 12724 (October 30, 2020). The Board adopted these emergency rules in response to the Council’s adoption of the Fiscal Year 2021 Budget Support Emergency Act of 2020 (D.C. Act 23-404, 67 DCR 10098 (August 28, 2020)).

Since the adoption of the seventh emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-119, dated November 23, 2020. Amongst other things, Mayor’s Order 2020-119 sets new restrictions on restaurants and other licensed food establishments where alcoholic beverages can be purchased and sold for on-premises consumption. Specifically, the Mayor’s Order (1)

reduces the indoor occupancy for restaurants from fifty percent (50%) to twenty-five percent (25%) effective at 12:01 a.m. on Monday, December 14, 2020; and (2) requires restaurants and other licensed food establishments to cease indoor and outdoor on-premises alcohol sales, service, and consumption at 10:00 p.m. (excluding carryout and delivery), daily, and to cease operations for patrons at midnight, effective 12:01 a.m. on Wednesday, November 25, 2020.

As part of its emergency rulemaking, the Board is also reducing the permitted hours of alcohol carryout and delivery from 6 a.m. to 1 a.m. to 6 a.m. to midnight. This one hour reduction is consistent with Mayor’s Order 2020-119 which requires restaurants and other licensed food establishments to cease operations at midnight. The one hour reduction will also help to reduce the likelihood of late-night social gatherings of more than ten (10) persons, which is prohibited by Mayor’s Order 2020-119, from moving from restaurants and licensed food establishments to the private homes of District residents as a result of the additional Covid-19 restrictions.

In response to Mayor’s Order 2020-119, the Board finds immediate emergency action is necessary in order to ensure that the Board’s regulations are consistent with the new COVID-19 restrictions. Consistent with the Mayor’s Order, the Board finds emergency action is necessary for the preservation of public health, welfare, and safety. Specifically, amending the Board’s regulations on an emergency basis to be consistent with Mayor’s Order 2020-119 will serve to further the Mayor’s and Board’s objective to curb the spread of the Coronavirus.

Thus, on Tuesday, November 24, 2020, the Board adopted the Suspension of On-premises Alcohol Sales and Consumption Notice of Eighth Emergency Rulemaking, by a vote of four (4) to one (1). These emergency rules, which shall take effect on Wednesday, November 25, 2020, supersede the Board’s previously adopted emergency rulemaking and shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency, but in no event longer than one hundred twenty (120) days from the Board’s adoption; expiring on or before March 24, 2021, unless superseded.

**Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended by adding a new § 810 to read as follows:**

**810 CONDITIONS OF ON-PREMISES ALCOHOL SALES AND CONSUMPTION DURING THE PUBLIC EMERGENCY**

810.1 The sale and service of alcoholic beverages for on-premises consumption indoors and outdoors shall be permitted in the District of Columbia for the remainder of either or both the Mayor’s Public Emergency and Public Health Emergency by authorized licensees, provided that they comply with the requirements set forth in § 810.2. Specifically, the sale and service of alcoholic beverages for on-premises consumption indoors and outdoors shall be conditionally permitted by the following license classes:

- (a) The holders of a retailer’s license class C or D, including licensed caterers;

- (b) Class A or B manufacturers holding an on-site sales and consumption permit;
- (c) Festival and temporary license holders; and
- (d) Any other license or permit category set forth under Title 25 of the D.C. Official Code.

810.2

An on-premises retailer license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including a multipurpose facility or private club, a manufacturer license, class A or B, holding an on-site sales and consumption permit, a festival or temporary license holder, and the holder of any other license or permit set forth under Title 25 of the D.C. Official Code, may sell, serve and allow the consumption of beer, wine, or spirits indoors or on a Board-approved outdoor sidewalk café or summer garden, including an existing rooftop patio; provided that the licensee shall:

- (a) Limit its indoor capacity to no more than twenty-five percent (25%) of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and outdoor seating, effective 12:01 a.m. on December 14, 2020.
- (b) Place indoor or outdoor tables on the sidewalk café or summer garden so that separate parties are at least six feet (6 ft.) apart from one another;
- (c) Ensure for non-movable communal tables that parties are seated at least six feet (6 ft.) apart from one another and that the communal table is marked with six-foot (6 ft.) divisions, such as with tape or signage;
- (d) Ensure that all indoor and outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;
- (e) Prohibit events and activities that would require patrons to be standing or in cluster or be in close contact with one another, including dancing, playing darts, video games including games of skill, bowling, ping pong, pool, throwing axes, or indoor playgrounds;
- (f) Prohibit patrons from bringing their own alcoholic beverages;
- (g) Prohibit self-service buffets;
- (h) Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
- (i) Require the purchase of one (1) or more prepared food items per table;



- (j) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the District of Columbia Department of Health (DC Health);
- (k) Cease indoor and outdoor sales, service, and consumption of alcoholic beverages, excluding carry-out and delivery, to 10:00 p.m., seven (7) days a week, and cease operations at midnight, seven (7) days a week, effective 12:01 a.m. on November 25, 2020, unless further restricted by settlement agreement or Board Order;
- (l) Not have more than six (6) individuals seated at a table or a joined table outside or inside;
- (m) Require patrons to wait outside at least six feet (6 ft.) apart until they are ready to be seated or make an on-site reservation;
- (n) Not provide live music or entertainment on the licensed premises without first obtaining a waiver from the District of Columbia Homeland Security and Emergency Management Agency;
- (o) Be allowed to play background or recorded music at a conversational level that is not heard in the homes of District residents;
- (p) Not serve alcoholic beverages or food to standing patrons;
- (q) Prohibit standing at indoor and outdoor bars and only permit seating at indoor or outdoor bars that are not being staffed or utilized by a bartender;
- (r) Require a minimum of six feet (6 ft.) between parties seated at indoor and outdoor bars, rail seats, or communal tables;
- (s) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;
- (t) Provide and require that wait staff wear masks;
- (u) Require that patrons wear masks or face coverings when waiting in line inside or outside of the establishment or while traveling to use the restroom or until they are seated and eating or drinking;
- (v) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

- (w) Implement sanitization and disinfection protocols including the provision of single use condiment packages;
- (x) Be permitted to utilize an additional location registered for alcohol carry-out and delivery, pursuant to D.C. Official Code § 25-113(a)(3)(D) for indoor on-premises alcohol consumption provided the location has a valid certificate of occupancy for a restaurant or other eating or drinking establishments. The use of outdoor space adjacent to or near the additional location shall be required to be registered pursuant to D.C. Official Code § 25-113(a)(6) in order to be utilized for outdoor dining; and
- (y) Have its own clearly delineated indoor and outdoor space and not share tables and chairs with another business.

- 810.3 A manufacturer's license, class A or B, with an on-site sales and consumption permit, a retailer's license class C/T, D/T, C/N, D/N, C/X, or D/X, a festival or temporary license holder, and the holder of any other license or permit set forth under Title 25 of the D.C. Official Code, may partner with a food vendor during its operating hours to satisfy the use of a menu containing a minimum of three (3) prepared food items available to patrons requirement set forth in § 810.2(h), provided, that patrons are seated when ordering and ordered food is delivered by the licensee to the seated patron.
- 810.4 A licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs that register with the Board may sell beer, wine or spirits in closed containers for individuals to carry-out to their home or deliver beer, wine or spirits in closed containers to the homes of District residents; provided that each such carry-out or delivery order is accompanied by one or more prepared food items.
- 810.5 Board approval shall not be required for registration; however, a restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multipurpose facilities and private clubs, shall receive written authorization from ABRA prior to beginning carry-out or delivery of beer, wine or spirits.
- 810.6 A registered licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multipurpose facilities and private clubs, may sell beer, wine or spirits for carry-out and delivery only between the hours of 6:00 a.m. and midnight, Monday through Sunday.
- 810.7 Except as provided in § 810.2, a registered licensed restaurant, tavern, hotel, nightclub, or Class C/X and D/X licensee, including multi-purpose facilities and private clubs, shall not permit the consumption of beer, wine or spirits on the licensed premises.

- 810.8 Any person delivering beer, wine or spirits to the homes of District residents shall be eighteen (18) years of age or older and shall take reasonable steps to ascertain that the person receiving the delivered beer, wine or spirits is twenty-one (21) years of age or older.
- 810.9 The Board, in its discretion, may immediately suspend or revoke without prior notice or advertisement, the ABC license of an establishment licensed under Title 25 of the District of Columbia Official Code that is in violation of this section. Nothing in this subsection shall prohibit the Board or ABRA from issuing a written or verbal warning for a violation of this section.
- 810.10 The Board shall conspicuously post two (2) summary suspension or revocation notices at or near the main street entrance of the outside of the establishment.
- 810.11 A licensee may request a hearing within three (3) business days after service of a Notice of Suspension or Revocation for a violation of this section. The Board shall hold a hearing within two (2) business days of receipt of a timely request and shall issue a decision within three (3) business days after the hearing.
- 810.12 A licensee aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in subchapter I of Chapter 5 of Title 2.

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

**NOTICE OF FIFTH EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) - (c) (2012 Repl. & 2019 Supp.)), D.C. Official Code § 25-502 (2012 Repl. & 2019 Supp.), and Mayor's Order 2001-96, dated June 28, 2001, as amended by Mayor's Order 2001-102, dated July 23, 2001, gives notice of the amendment, on an emergency basis, of Chapter 10 (Endorsements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking, titled the *Addition of Outdoor Public and Private Space Notice of Fifth Emergency Rulemaking*, will (1) allow on-premises retailer's licensees and manufacturer licensees, class A or B, holding an on-site sales and consumption permit, or a Convention Center food and alcohol business to register with the Board to sell, serve, and allow the consumption of alcoholic beverages on new or expanded outdoor public and private space not listed on its license; and (2) modify the conditions imposed on registered licensees and businesses.

On May 27, 2020, Mayor Bowser issued Mayor's Order 2020-067, implementing Phase One of Washington, D.C.'s reopening. Among other things, Mayor's Order 2020-067 partially lifted the restriction prohibiting on-site dining by allowing restaurants, taverns, nightclubs, mixed-use facilities and other licensed food establishments to offer table service to seated patrons on outdoor public or private space. In response to Mayor's Order 2020-067, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Emergency Rulemaking* ("first emergency rulemaking"), on May 28, 2020, by a vote of six (6) to zero (0). *See* 67 DCR 8507 (July 10, 2020). The emergency rulemaking allowed restaurants, taverns, nightclubs, multipurpose facilities, and manufacturer licenses, class A or B, with on-site sales and consumption permits to register with the Board to sell, serve, and allow the consumption of alcoholic beverages on new or expanded ground floor or street level outdoor public or private space in accordance with the Mayor's Order.

After the Board adopted the first emergency rulemaking, Mayor Bowser issued another Mayor's Order implementing Phase Two of Washington, D.C.'s reopening. *See* Mayor's Order 2020-075 (June 19, 2020). Mayor's Order 2020-075, among other things, allows seating at an outdoor bar provided that the bar is not being staffed or utilized by a bartender. In response to Mayor's Order 2020-075, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Second Emergency Rulemaking* ("second emergency rulemaking"), which modified the previous rulemaking by incorporating the additional requirements that ABC-licensed establishments needed to comply with in order to expand or add outdoor public or private space. *See* 67 DCR 9096 (July 24, 2020).

After adopting the second emergency rulemaking, the Council of the District of Columbia passed the Streatery Program and Pop Up Locations Emergency Amendment Act of 2020, enacted July 27, 2020 (D.C. Act 23-346; 67 DCR 9387 (August 7, 2020)), which took effect on July 27, 2020. The legislation established additional guidelines and requirements, some of which modified the Board's second emergency rulemaking, for ABC-licensed establishments seeking on-site sales

and consumption, carryout services, or who sought to expand or add outdoor public or private space to the existing licensed premises. In response, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Third Emergency Rulemaking* (“third emergency rulemaking”) on August 18, 2020, which superseded the previous emergency rulemaking adopted by the Board. See 67 DCR 11259 (September 25, 2020).

After the Board adopted the third emergency rulemaking, the Council passed the Fiscal Year 2021 Budget Support Emergency Act of 2020 (D.C. Act 23-404, 67 DCR 10098 (August 28, 2020)), which established additional requirements for ABC-licensed establishments to follow in response to the COVID-19 Pandemic. In order to ensure that the regulations comport with the act, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Fourth Emergency Rulemaking*, on September 30, 2020, by a vote of seven (7) to zero (0). See 67 DCR 12730 (October 30, 2020).

Since adopting the fourth emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-119, dated November 23, 2020. Amongst other things, Mayor’s Order 2020-119 sets new restrictions on restaurants and other licensed food establishments where alcoholic beverages can be purchased and sold for on-premises consumption. Specifically, the Mayor’s Order (1) reduces the indoor occupancy for restaurants from fifty percent (50%) to twenty-five percent (25%) effective at 12:01 a.m. on Monday, December 14, 2020; and (2) requires restaurants and other licensed food establishments to cease indoor and outdoor on-premises alcohol sales, service, and consumption at 10:00 p.m. (excluding carryout and delivery), daily, and to cease operations for patrons at midnight, effective 12:01 a.m. on Wednesday, November 25, 2020.

In response to Mayor’s Order 2020-119, the Board finds immediate emergency action is necessary in order to ensure that the Board’s regulations are consistent with the new COVID-19 restrictions. Consistent with the Mayor’s Order, the Board finds emergency action is necessary for the preservation of public health, welfare, and safety. Specifically, amending the Board’s regulations on an emergency basis to be consistent with Mayor’s Order 2020-119 will serve to further the Mayor’s and Board’s objective to curb the spread of the Coronavirus.

Thus, on Tuesday, November 24, 2020, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Fifth Emergency Rulemaking*, by a vote of four (4) to one (1). These emergency rules, which shall take effect on Wednesday, November 25, 2020, supersede the Board’s previously adopted emergency rulemaking and shall remain in effect for the duration of the Extensions of Public Emergency and Public Health Emergency, but in no event longer than one hundred twenty (120) days from the Board’s adoption; expiring on or before March 24, 2021, unless superseded.

**Chapter 10, ENDORSEMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, DCMR is amended by adding a new Section 1007, ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE, on an emergency basis, to read as follows:**

**1007            ADDITIONAL OUTDOOR SEATING ON PUBLIC AND PRIVATE SPACE**

- 1007.1 A licensee under an on-premises retailer's license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, a manufacturer's license, class A or B, holding an on-site sales and consumption permit, or a Convention Center food and alcohol business shall be permitted to sell, serve, and allow the consumption of alcoholic beverages to seated patrons on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license, provided, that the licensee:
- (a) Registers with the Board, at no cost, and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;
  - (b) Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and
  - (c) Agrees to follow all applicable District laws, regulations, guidance documents, administrative orders including Mayor's Orders, and permit requirements or conditions, which may contain requirements that supersede provisions contained in this section.
- 1007.2 An on-premises retailer's license, class C/R, D/R, C/T, D/T, C/N, D/N, C/H, D/H, C/X, or D/X, including multipurpose facilities and private clubs, a manufacturer's license holding an on-site sales and consumption permit, class A or B, or a Convention Center food and alcohol business that registers with the Board in accordance with § 1007.1 to sell, serve, and allow the consumption of alcoholic beverages to seated patrons on new or expanded ground floor or street level outdoor public or private space not listed on its existing license shall:
- (a) Place tables on the sidewalk café or summer garden so that separate parties are at least six feet (6 ft.) apart from one another;
  - (b) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;
  - (c) Prohibit events and activities that would require patrons to be standing or in cluster or be in close contact with one another, including dancing, playing darts, video games including games of skill, bowling, ping pong, pool, throwing axes, or indoor playgrounds;
  - (d) Prohibit patrons from bringing their own alcoholic beverages;
  - (e) Prohibit self-service buffets;
  - (f) Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
  - (g) Require the purchase of one (1) or more prepared food items per table;

- (h) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the District of Columbia Department of Health (DC Health);
- (i) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District's zoning regulations;
- (j) Restrict the outdoor sale, service, and consumption of alcoholic beverages, excluding carry-out and delivery, to 10:00 p.m., seven (7) days a week, and cease outdoor operations at midnight, seven (7) days a week, effective 12:01 a.m. on Wednesday, November 25, 2020, unless further restricted by settlement agreement or Board Order;
- (k) Not have more than six (6) individuals seated at a table or a joined table;
- (l) Require patrons to wait outside at least six feet (6 ft.) apart until they are ready to be seated or make an on-site reservation;
- (m) Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;
- (n) Be allowed to play background or recorded music at a conversational level that is not heard in the homes of District residents;
- (o) Not serve alcoholic beverages or food to standing patrons;
- (p) Prohibit standing at outdoor bars and only permit seating at outdoor bars that are not being staffed or utilized by a bartender.
- (q) Require a minimum of six feet (6 ft.) between parties seated at outdoor bars or communal tables;
- (r) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;
- (s) Provide and require that wait staff wear masks;
- (t) Require that patrons wear masks or face coverings while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;
- (u) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

- (v) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and
  - (w) Have its own clearly delineated outdoor space and not share tables and chairs with another business.
- 1007.3 Registration under § 1007.1 shall be valid from May 29, 2020, to December 31, 2021, unless extended by the Mayor or the Council of the District of Columbia.
- 1007.4 The Board may fine, suspend, or revoke an on-premises retailer's license, class C or D, or a manufacturer's license, class A or B, with an on-site sales and consumption permit, and shall revoke the registration issued in accordance with § 1007.1 if the licensee fails to comply with requirements set forth in § 1007.1 or 1007.2. The provisions of D.C. Official Code §§ 25-826 and 25-828 pertaining to notice and an opportunity to be heard in connection with the suspension or revocation of licenses shall also apply to the revocation of registrations issued in accordance with § 1007.1.
- 1007.5 Notwithstanding § 1007.2, if an on-premises retailer's license, class C or D, or a manufacturer's license, class A or B, with an on-site sales and consumption permit, has a settlement agreement governing its operations, the Board:
- (a) Shall interpret settlement agreement language that restricts sidewalk cafes or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafes or summer gardens;
  - (b) Shall not interpret settlement agreement language that restricts or prohibits sidewalk cafes or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this subsection;
  - (c) Shall not interpret settlement agreement language that restricts or prohibits the operation of permanent outdoor space to prohibit the temporary operation of sidewalk cafes or summer gardens; and
  - (d) Shall require all on-premises retailer licenses, class C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by DDOT or the property owner.
- 1007.6 With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed one hundred eighty (180) days.
- 1007.7 A manufacturer's license, class A or B, with an on-site sales and consumption permit, or an on-premises retailer's license, class C/T, D/T, C/N, D/N, C/X, or D/X, including multipurpose facilities or private clubs, may partner with a food



vendor during its operating hours to satisfy the use of a menu containing a minimum of three (3) prepared food items available to patrons requirement set forth in § 1007.2(f), provided that patrons are seated when ordering and ordered food is delivered by the licensee or the food vendor to the seated patron.

1007.8 For purposes of this section:

- (a) Ground floor or street level sidewalk cafes or summer gardens enclosed by awnings or tents having no more than one (1) side shall be considered outdoor space;
- (b) Areas enclosed by retractable glass walls and other forms of operable walls shall be considered indoor dining; and
- (c) Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under § 1007.1.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

**NOTICE OF THIRD EMERGENCY RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (“Director”), pursuant to paragraph 7(A) of the General Expenses title of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 6-661.01(a) (2018 Repl.)), Mayor’s Order 2013-23, dated January 29, 2013; and in keeping with the public health emergency and public emergency declared by Mayor’s Orders 2020-45 and 2020-46, each dated March 11, 2020, and subsequent Mayor’s Orders extending those emergencies, hereby gives notice of the adoption of the following amendment, on an emergency basis, to Chapter 1 (DCRA Permits Division Schedule of Fees) of Title 12 (Construction Codes Supplement of 2017), Subtitle M (Fees), of the District of Columbia Municipal Regulations (“DCMR”).

This third emergency rulemaking provides the Director with the authority to waive Construction Codes permit fees for construction directly related to preparation, response, mitigation, or recovery efforts arising from COVID-19 for the duration of the public emergency and public health emergencies declared by Mayor Muriel Bowser on March 11, 2020 and extended on December 18, 2020 by Mayor’s Order 2020-127.

This third emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, structures may need to be constructed expeditiously as part of the District’s response and without being hindered or delayed because of fees.

A Notice of Emergency Rulemaking was published on April 17, 2020 at 67 DCR 4399. A Second Notice of Emergency Rulemaking was published on August 21, 2020 at 67 DCR 10002. This third emergency rulemaking was adopted on January 6, 2021. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring May 6, 2021.

**Title 12 DCMR, CONSTRUCTION CODES SUPPLEMENT OF 2017, is amended as follows:**

**Subtitle 12-M DCMR, FEES, is amended as follows:**

**Chapter 1, DCRA PERMITS DIVISION SCHEDULE OF FEES, is amended as follows:**

**Section 101, BUILDING PERMIT FEES, is amended as follows:**

**A new Subsection 101.2 is added to read as follows:**

101.2       The Director may, at his or her discretion and on a case-by-case basis, waive the fees imposed by Subsection 101.1 during the public and public health emergencies declared by Mayor’s Orders 2020-45 and 2020-46, dated March 11,

2020, and during any extension of those emergencies, for construction directly related to preparation, response, mitigation, or recovery efforts arising from COVID-19.

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

**NOTICE OF SECOND EMERGENCY RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (“Department”), pursuant to the authority set forth in Section 403 of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 12236 (October 23, 2020)) and Mayor’s Order 2020-079, dated July 22, 2020, hereby gives notice of a second emergency rulemaking to amend Chapter 8 (Housing Code: Cleanliness, Sanitation, and Safety) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) to add a new Section 809 (Residential Accommodation Cleaning Requirements).

This second emergency rulemaking amends Chapter 8 of Title 14 DCMR by creating a new section that establishes that owners of a housing accommodation, or their representatives, within the District must clean common areas on a regular basis during a declared public health emergency.

This second emergency rulemaking is necessary to protect the well-being of the District of Columbia as it responds to the COVID-19 global pandemic. During the declared public health emergency, it is imperative that common areas that are frequently and regularly touched and visited be thoroughly cleaned and disinfected to diminish the spread of COVID-19.

This second emergency rulemaking succeeds a Notice of Emergency Rulemaking that was published on August 21, 2020 at 67 DCR 10003. This second emergency rulemaking was adopted on January 6, 2021 and will remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring May 6, 2021.

**Title 14 DCMR, HOUSING, is amended as follows:**

**Chapter 8, HOUSING CODE: CLEANLINESS, SANITATION, AND SAFETY, is amended as follows:**

**A new Section 809, RESIDENTIAL ACCOMMODATION CLEANING REQUIREMENTS, is added to read as follows:**

**809 RESIDENTIAL ACCOMMODATION CLEANING REQUIREMENTS**

809.1 During a public health emergency, the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.

809.2 Depending on the housing accommodation, the owner, or representative of the owner, shall, with respect to cleaning common areas and regularly-touched surfaces, follow [DC Health guidance](https://coronavirus.dc.gov/phasetwo) at <https://coronavirus.dc.gov/phasetwo> specific to their setting, e.g., skilled nursing and assisted living facilities.

- 809.3 Per guidance and recommendations from the Centers for Disease Control and Prevention (CDC), surfaces frequently touched by multiple people, such as doors, railings, seating, and exterior of mailboxes, should be cleaned and disinfected at least daily.
- 809.4 The owner or representative of the owner of a housing accommodation and/or contracted third-party cleaning services shall clean and disinfect regularly touched surfaces, listed in § 809.1, by:
- (a) Wearing disposable gloves and other personal protective equipment (PPE), while cleaning and disinfecting;
  - (b) Routinely cleaning surfaces with soap and water first, then using disinfectant;
  - (c) Disinfecting surfaces with recommended EPA-registered household disinfectant, while following the instructions on the label to ensure safe and effective use of the product;
  - (d) Ensuring cleaning staff and other staff clean hands often, including immediately after completing the cleaning by throwing away gloves and washing hands with soap and water for at least twenty (20) seconds, or hand sanitizer with at least sixty percent (60%) alcohol.
- 809.5 During a public health emergency, the owner or representative of the owner of a housing accommodation shall maintain cleaning logs that record when common areas have been cleaned.
- (a) Log entries for each cleaning must be maintained for at least ninety (90) days following that cleaning;
  - (b) Cleaning logs must, at minimum, include the following information: the frequency of the cleanings with date(s) and time(s), the name(s) of the person(s) who cleaned and/or disinfected, and the address of the property cleaned; and
  - (c) Upon request, the owner or representative of the owner of a housing accommodation shall provide the Department with electronic cleaning logs (scanned, PDF copies of paper records are acceptable) to ensure that proper cleaning safeguards are in-place and being successfully implemented within the housing accommodation.
- 809.99 For the purposes of this section, the following words and terms shall have the meanings ascribed:

**“Public health emergency”** – a period of time for which the Mayor has declared a public health emergency pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

**“Housing Accommodation”** – any structure or building in the District containing one (1) or more residential units that are not occupied by the owner of the housing accommodation, including an apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, or group home.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Sections 3(b)(9) and 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(9) and (b)(11)) (2012 Repl. & 2016 Supp.); the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code §§ 4-401 et seq. (2012 Repl. & 2016 Supp.)); Mayor’s Order 2009-3, dated January 15, 2009; and pursuant to the Social Security Act, approved February 22, 2012 (Pub. L. 112-96; 42 U.S.C. § 618(c)); the Child Care and Development Block Grant Act of 2014 (“CCDBG Act”), approved November 19, 2014 (104 Stat. 1388; 42 U.S.C. §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby gives notice of its intent to amend, on an emergency basis, Section 203 (Rates Paid by District of Columbia) of Chapter 2 (Child Development Facilities: District-Subsidized Child Care Services) of Subtitle A (Office of the State Superintendent of Education) of Title 5 (Education) of the District of Columbia Municipal Regulations (“DCMR”).

**I. Purpose**

The purpose of this emergency and proposed rulemaking is to preserve the supply of affordable child care and increase access for families during a public health emergency by creating a temporary “Public Health Emergency Subsidy Rate” for licensed child development facilities who participate in the District’s child care subsidy program. This Public Health Emergency Subsidy Rate is an enhanced rate that would be made available for a limited time, only when the Mayor has declared a public health emergency pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and subject to the availability of funds. The Public Health Emergency Subsidy Rate reinvests monthly cost savings due to reduced attendance directly back into payments to subsidy providers, therefore creating a net-zero fiscal impact. Section 203 of Subtitle 5-A DCMR establishes the rates paid by the District of Columbia to providers for the services provided to eligible children through the District’s subsidized child care program. This emergency and proposed rulemaking specifically amends this section by adding a new subsection providing an increased subsidy payment when, due to a public health emergency, attendance at subsidy providers is reduced, resulting in financial instability. Through this rulemaking, subsidy providers will receive an increased reimbursement rate that will be based on the current rates set forth in 5-A DCMR § 203, and an additional amount of funds that will be applied on the same basis to all child development facilities and children participating in the subsidy system. The amount of additional funds shall be determined based on the funds available due to savings caused by decreased attendance in order to stabilize providers’ revenues and compensate for providers’ increased costs to implement health and safety protocols when facility capacity is reduced due to health and safety requirements during the public health emergency.

There is an immediate need to ensure the health, safety and welfare of children under the care of subsidy providers in the District of Columbia. This emergency rulemaking is necessary to ensure child development facilities who accept subsidies are financially equipped to offer safe, quality

and appropriate care to the District’s youngest and most vulnerable residents during a public health emergency.

This emergency rulemaking was adopted on November 25, 2020 and became effective on that date. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on March 25, 2021, or upon earlier amendment by the State Superintendent of Education or publication of a final rulemaking in the *D.C. Register*, whichever occurs first.

The State Superintendent also gives notice of the 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 2, CHILD DEVELOPMENT FACILITIES: DISTRICT-SUBSIDIZED CHILD CARE SERVICES, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:**

**Section 203, RATES PAID BY DISTRICT OF COLUMBIA, is amended by adding new Subsections 203.13, 203.14, 203.15, 203.16, and 203.17 that reads as follows:**

**203 RATES PAID BY DISTRICT OF COLUMBIA**

...

203.13 For the duration of a public health or other emergency declared by the Mayor, the District of Columbia may increase the rates set in Subsections 203.2, 203.3, 203.4, 203.5, 203.6, 203.7, and 203.8 through a Public Health Emergency Subsidy Rate.

203.14 The Public Health Emergency Subsidy Rate shall be determined by:

- (a) Subtracting the total subsidy payment for the month in which an increase retroactively takes effect (as determined by the subsidy rate set forth in 5-A DCMR 203 and OSSE’s attendance-based payment policy) from the total monthly subsidy payment made in the month immediately preceding the month in which the Mayor first declared a public health or other emergency;
- (b) Dividing the difference derived in paragraph (a) by the total monthly subsidy payment made in the month immediately preceding the month in which the Mayor first declared a public health or other emergency;
- (c) Multiplying the quotient derived in paragraph (b) by the daily subsidy rate set forth in 5-A DCMR 203;
- (d) Adding the product derived in paragraph (c) to the rates set in Subsections 203.2, 203.3, 203.4, 203.5, 203.6, 203.7, and 203.8; and



- (e) The sum derived in paragraph (d) shall constitute the Public Health Emergency Subsidy Rate.

203.15 For the duration of a public health or other emergency declared by the Mayor, OSSE shall publish and notify child development facilities of the following:

- (a) The Public Health Emergency Subsidy Rate;
- (b) The total subsidy payment for the month in which an increase retroactively takes effect;
- (c) The total monthly subsidy payment made in the month immediately preceding the month in which the Mayor first declared a public health or other emergency; and
- (d) Any changes to the Public Health Emergency Subsidy Rate. The District of Columbia shall not pay any child care facility at a lower rate, as a result of the application of the Public Health Emergency Subsidy Rate, than the facility would have otherwise received under the rates set forth in this section.

203.16 The Public Health Emergency Subsidy Rate provided under this subsection shall be updated every ninety (90) days while in effect and terminate either upon: (1) the unavailability of appropriated funds to support payment of the Public Health Emergency Subsidy Rate; or (2) no sooner than thirty (30) days following the end of a public health or other emergency duly declared by the Mayor, and shall not extend beyond ninety (90) days following the end of a public health or other emergency. OSSE shall publish and notify child development facilities of the termination of the Public Health Emergency Subsidy Rate and the reason for such termination.

203.17 Nothing in this section shall be construed as creating an entitlement to the Public Health Emergency Subsidy Rate.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov); or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Renee Lee re: Public Health Emergency Subsidy Rate, 1050 First Street, N.E. 3rd Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at [www.osse.dc.gov](http://www.osse.dc.gov).

## DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED 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, on an emergency basis, of the following amendment to Chapter 40 (Health Occupations: General Rules) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

District regulations require that many health-related practitioners complete a portion of their continuing education courses in live, in-person settings in order for the practitioner to renew his or her health occupation license, registration, or certificate with the Department. Due to the ongoing global pandemic caused by the contagious SARS-COV-2 virus (commonly referred to by the disease it causes, "COVID-19"), the District of Columbia – and much of the nation – instituted various measures to prevent gatherings of individuals in a single physical space in order to curb the spread of the virus from person to person. A necessary consequence of the protective measures is the disruption of traditional in-person methods of education, including the in-person continuing education courses that many of the District's health-related practitioners must complete in order to renew their health occupation licenses, registrations, or certificates with the Department. The Department recognizes that the COVID-19 pandemic has made, and continues to make, in-person continuing education instruction generally inadvisable and, in some cases, unavailable. The Department, therefore, is taking this emergency action to allow alternatives to the in-person continuing education requirement imposed on certain health professionals. Thus, practitioners affected by the hardship of completing in-person continuing education courses due to the COVID-19 pandemic will have a pathway to fulfill their continuing education obligations in time to renew their health occupation licenses, registrations, or certificates.

The purpose of this rulemaking is to authorize each health occupation board that is subject to Chapter 40 of Title 17 DCMR to, at each board's discretion, accept continuing education courses that are completed via remote instruction (e.g., broadcasted live via the internet) in lieu of continuing education courses that must be completed through in-person instruction when extraordinary circumstances make attainment of in-person continuing education courses an undue hardship for the license, registration, or certificate-holders regulated by that board. This rulemaking also authorizes the health occupation boards to exempt holders of a license, registration, or certificate from the health occupation's continuing education requirements due to certain circumstances. It is imperative to the health, welfare, and safety of the residents of the District of Columbia that health practitioners be provided a pathway to retain their licenses and continue to provide needed healthcare in extraordinary circumstances, especially during an ongoing pandemic.

This emergency rulemaking was adopted on January 4, 2021 and became effective immediately on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption (i.e., on May 5, 2021), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director of the Department also gives notice of the intent to adopt this rulemaking as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 40, HEALTH OCCUPATIONS: GENERAL RULES, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONS, is amended as follows:**

**A new Section 4018 is added to read as follows:**

**4018 CONTINUING EDUCATION REQUIREMENT EXEMPTION AND VARIANCE**

4018.1 Each Board may exempt an individual applicant for renewal of a license, registration, or certification from some or all of the continuing education requirements to which the applicant is subject, if the applicant demonstrates with sufficient documentation, to the satisfaction of the Board, that the applicant did not satisfy the continuing education requirements because of:

- (a) Hardship;
- (b) Disability;
- (c) Serious illness; or
- (d) Other circumstances as the Board deems appropriate.

4018.2 Notwithstanding any applicable regulatory requirement, each Board may, in extraordinary circumstances, approve and accept continuing education courses that are completed by remote instruction in place of any continuing education that is required to be completed by in-person instruction for renewals of licenses, registrations, or certificates if the Board determines the attainment of such in-person instruction presents undue hardship or risk for the Board's health professionals.

4018.3 For the purpose of § 4018.2, the phrase "remote instruction" means the delivery of instruction to a recipient of continuing education who is not physically present with the instructor.

4018.4 When a Board acts in accordance with § 4018.2, it shall publish a notice of the action on a web page dedicated to the business of the Board. The notice shall specify each health occupation to which the Board's action applies.

4018.5 This section shall not restrict the Board of Medicine from authorizing an exemption in accordance with the additional standards set forth in § 4614.5.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Paralegal Specialist, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

## DEPARTMENT OF HEALTH

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health (Director), pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), 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 intent to adopt, on an emergency basis, the following amendments to Chapter 91 (Graduate Professional Counselor) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking seeks to revise the requirement pertaining to the practicum or internship component of a master's degree accepted as qualification for licensed graduate professional counselors (LGPC). The current rule requires applicants for LGPC who do not possess a graduate degree in counseling accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) to possess a graduate degree consisting of seven hundred (700) hours of practicum and internship. However, this requirement excludes several high-quality degree programs and graduates, including some in the DC Metropolitan area. The rulemaking seeks instead to authorize the Board of Professional Counseling to conduct a thorough and flexible review of degree programs that matriculate qualified applicants for the LGPC license. It is imperative to the health, safety, and welfare of the residents of the District of Columbia that the current rules be amended to eliminate an unnecessary barrier to licensure that limits the number of qualified mental health professionals available to provide needed services to District residents, particularly during this current pandemic.

This emergency rule was adopted on January 4, 2021 and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, on May 4, 2021, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director also gives notice of the intent to adopt this rule as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 91, GRADUATE PROFESSIONAL COUNSELOR, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 9105, SUPERVISED EXPERIENCE REQUIREMENTS, is amended to read as follows:**

**9105 SUPERVISED EXPERIENCE REQUIREMENT**

9105.1 The Board may deem a Master's degree program not accredited by the Council for Accreditation of Counseling and Related Educational

Programs (CACREP) as substantially equivalent to a CACREP-accredited program pursuant to § 9103.1(b) if the program also includes supervised practicum or internship comparable to a CACREP-accredited program.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002, or by email to [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov). Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov).

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-004  
January 11, 2021

**SUBJECT:** Extension of Paused Activities and Clarification of Duration of Public Emergency and Public Health Emergency

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); Mayor's Orders 2021-002 and 2021-003; section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2018 Repl.); section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases ("Communicable and Preventable Diseases Act"), approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§7-131 *et seq.* (2018 Repl.); the Coronavirus Public Health Extension Emergency Amendment Act of 2020, effective Dec. 21, 2020, D.C. Act A23-0524, 67 DCR 14747 and Mayor's Orders 2020-050, 2020-063, 2020-066, 2020-067, 2020-079, 2020-103, and 2020-127, it is hereby **ORDERED** that:

**I. BACKGROUND**

1. The findings of prior Mayor's Orders relating to the public emergencies are hereby incorporated.
2. More than 22 million Americans have been infected with COVID-19 and more than 373,000 have died from the disease. We have hit a new record in the District, with transmission at 41.22 new cases per 100,000 persons; total infections in the District have risen to 31,993, and tragically, 821 District residents have lost their lives due to COVID-19.
3. On December 18, 2020, Mayor's Order 2020-127 instituted a pause of certain Phase Two activities during the holiday period from 10:00 p.m. on December 23, 2020 until 5:00 a.m. on Friday, January 15, 2021.
4. This Order extends the pause in Phase Two activities for public safety and health reasons, and Section VII of Mayor's Order 2020-127 is modified to correspond with Council legislation's effective date and duration.

**II. PAUSE EXTENDED**

The Phase Two activities paused by Mayor's Order 2020-127 (December 18, 2020) shall remain paused until 5:00 a.m. on January 22, 2021, in the interest of public health and safety.

**III. PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY DURATION**

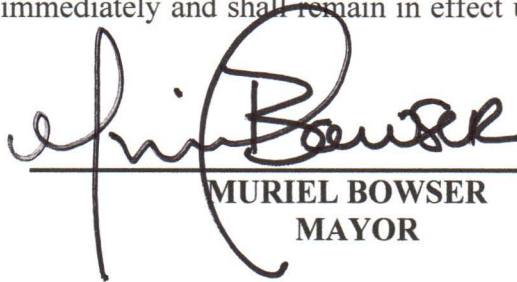
Section VII of Mayor's Order 2020-127 is modified to correspond with the duration of the Coronavirus Public Health Extension Emergency Amendment Act of 2020, D.C. Act 23-0524, effective December 21, 2020, such that the public emergency and public health emergency declared by Mayor's Order 2020-045 and 2020-046, respectively, are extended through March 17, 2021.

**IV. ENFORCEMENT**

1. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code §7-2307, including civil fines or summary suspension or revocation of licenses.
2. The District of Columbia reserves the right to exercise provisions of the Communicable and Preventable Diseases Act, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§7-131 *et seq.*, if warranted, and to issue regulations providing for civil and criminal penalties and injunctive relief for violations of this Order.


**V. EFFECTIVE DATE AND DURATION**

This Order shall become effective immediately and shall remain in effect until 5:00 a.m. on January 22, 2021.




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MURIEL BOWSER  
MAYOR

ATTEST:   


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 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-005  
January 12, 2021

**SUBJECT:** Teacher Housing Initiative

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(11) and 423 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(11) and 1-204.23 (2016 Repl.), and in accordance with Mayor's Order 2019-036, dated May 10, 2019, it is hereby **ORDERED** that:

**I. POLICY**

Washington, DC has invested in a strong public education system to ensure that every student and family has equitable access to quality schools and educational resources. This commitment is exemplified by the three percent increase to the school year 2020-2021 Uniform Per Student Funding Formula. The total approved local budget for the District of Columbia Public Schools ("DCPS") is more than \$982 million for Fiscal Year 2021, representing an overall increase of more than eight percent from DCPS's Fiscal Year 2020 approved local budget. Through the Uniform Per Student Funding Formula and appropriations made to charter schools, the District has also made one of the largest investments in that sector of any city in the United States that maintains both charter and traditional public school options.

In school year 2019-2020, enrollment in the District's public schools increased for the eleventh consecutive year, reaching 94,603 students, with DCPS exceeding 50,000 students.

Teachers provide critical services and are a vital sector within the middle class. DCPS offers competitive salaries and compensation and has a human capital strategy to attract well-qualified and dedicated teachers to contribute to improved student outcomes. However, many teachers, particularly new teachers with annual salaries of \$56,313, pay more than thirty percent of their pre-tax monthly income on housing costs, rendering them housing-cost burdened.

A strong and diverse middle class promotes the development of a well-educated population, ushers in entrepreneurship and innovation, and supports more inclusive economic and political institutions which underpin growth and stability.

Housing not only provides physical, financial, and emotional health and opportunity for our residents and their children and grandchildren, it also represents a critical underpinning

for Washington, DC's sustainable and inclusive economic growth and COVID-19 recovery.

Since 2010, the District has experienced one of the fastest periods of sustained housing production in its history. The District already has one of the most robust set of affordable housing policies in the country and provides the greatest housing trust fund subsidy per capita of any U.S. city. Despite these factors, the District's housing production has not met the growing demand, and housing costs have continued to rise. To help achieve the goal of creating 36,000 new residential units by 2025, a new housing initiative is being established by this Order to increase the District's educational investment by creating dedicated housing for public and public charter schoolteachers. The initiative seeks to relieve the pressures of rising housing costs and limited housing availability through a teacher retention and attraction effort designed to expand opportunities for teachers to live in the District.

Teachers living in the District will facilitate students' education by helping teachers understand their students' communities, facilitating home visits, reducing travel time and thus increasing teachers' participation in leading extra-curricular activities.

This Order directs the Office of the Deputy Mayor for Planning and Economic Development (DMPED) and the Office of the Deputy Mayor for Education (DME) to explore and implement a wide variety of policy approaches to provide housing opportunities for the District's charter and traditional public school teachers.

## II. DIRECTIVES

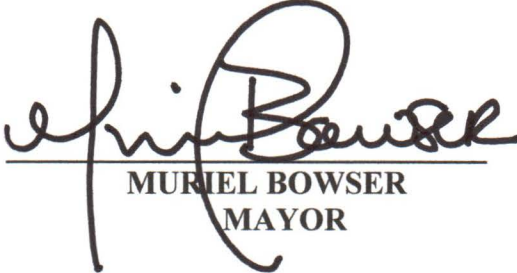
1. DMPED and DME shall undertake a comprehensive analysis of programs currently available to teachers to expand their opportunities to live in the District.
2. DMPED and DME shall identify, through consultation with District housing agencies, educators, and affordable housing experts, program requirements and additional programs that can be developed to expand housing available to teachers.
3. DMPED and DME shall provide guidance and education to teachers regarding programs to increase their utilization of housing opportunities.
4. DMPED and DME shall provide the Mayor with recommendations to increase housing opportunities for teachers.
5. DMPED and DME shall develop a framework for teachers to qualify for housing opportunities. The framework shall:
  - a. Ensure housing opportunities benefit teachers, students, and the community in which the housing opportunities are located;
  - b. Develop eligibility criteria for teachers' inclusion in the program;

- c. Provide a mechanism for selecting teachers to participate in the program;
  - d. Specify the requirements teachers must meet after selection to remain in the program; and
  - e. Establish a framework for evaluating program efficacy in meeting stated goals.
6. DMPED and DME shall develop criteria to identify District land and facilities in which construction of teacher housing is desirable by assessing all District land that is available for development and determining if it meets the criteria.

**III. SUPERSESSION**

This Order supersedes previous Mayor's Orders to the extent of any inconsistency therein.

**IV. EFFECTIVE DATE: This Order shall become effective immediately.**



MURIEL BOWSER  
MAYOR

ATTEST: Kimberly A. Bassett  
KIMBERLY A. BASSETT  
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTE

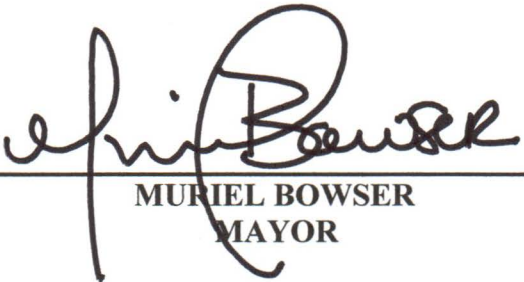
Mayor's Order 2021-006  
January 12, 2021

**SUBJECT:** Reappointment and Appointment – For-Hire Vehicle Advisory Council

**ORIGINATING AGENCY:** Office of the Mayor

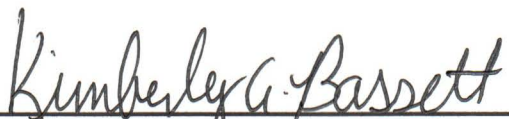
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to the Department of For-Hire Vehicles Establishment Act of 1985, effective June 22, 2016, D.C. Law 21-124, D.C. Official Code § 50-301.10a, it is hereby **ORDERED** that:

1. **DOTTI LOVE-WADE**, is reappointed as a District resident, unaffiliated with the vehicle for-hire industry, who regularly uses public or private vehicles-for-hire in the District member of the For-Hire Vehicle Advisory Council (“Council”), for a term to end July 18, 2023.
2. **ROY SPOONER**, is appointed as a representative of a company providing vehicle for-hire services in the District member of the Council, replacing Jeffrey Schaeffer, for the remainder of an unexpired term to end July 18, 2022.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST:   


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 KIMBERLY A. BASSETT  
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

## OFFICE OF THE DISTRICT OF COLUMBIA CLEMENCY BOARD

## NOTICE OF PUBLIC MEETING

The Clemency Board will be holding its meeting on Friday, January 29, 2021 at 10:30 a.m. The meeting will be held via WebEx at the link (and numbers) below. Below is the agenda for this meeting.

## AGENDA

1. Welcome and Call to Order
2. Old Business
  - a. None
3. New Business
  - a. Update on progress of rulemaking
4. Public Comments
5. Adjournment

**Meeting Link:**

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e99cb42596da5eb6b9e3d879836f073d7>

**Registration:** Please press Ctrl and click the link above to pre-register for the meeting.

**Registration password:** This meeting does not require a password for registration.

**Event number (access code):** 180 129 1991

**Event password:** ptMeGJgm337 (not required)

**Join the audio conference only:** 1-650-479-3208 – Call-in toll number (US/Canada)

**Join from a video system or application:** Dial [1801291991](tel:1801291991) or [1801291991@dcnet.webex.com](mailto:1801291991@dcnet.webex.com)

**You can also dial:** 173.243.2.68 and enter meeting number.

For additional information, please contact **Lisa M. Wray, Executive Assistant** at (202) 724-7681 or [lisa.wray@dc.gov](mailto:lisa.wray@dc.gov).

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**

**ANNOUNCES JANUARY 21, 2021 PUBLIC MEETING  
FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT  
ENHANCEMENT COMMITTEE**

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee (“Committee”) as follows:

**12:30 p.m. – 2:00 p.m.  
Thursday January 21, 2021  
Phone Conference  
Conference Line: (866) 836-4385  
Passcode: 5280417**

For additional information, please contact:

Darryl Brantley, Financial Program Specialist  
Office of Public Charter School Financing and Support  
Office of the State Superintendent of Education  
1050 First St. NE, Fifth Floor  
Washington, DC 20002  
(202) 258-3541  
[Darryl.Brantley@dc.gov](mailto:Darryl.Brantley@dc.gov)

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the January 21, 2021, Committee meeting
- III. Approval of minutes from December 17, 2020, Committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. Learn DC Public Charter School – New Request for a Direct Loan

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the [public meetings calendar](#) no later than two (2) business days prior to the meeting.

## STATE BOARD OF EDUCATION

## NOTICE OF PUBLIC MEETING SCHEDULE

## 2021 Regular Public Meeting and Working Session Schedule

This notice outlines the schedule of the regular meetings of the DC State Board of Education (SBOE). The meetings are held in open session and the public is invited to attend. The meetings are held at 441 4<sup>th</sup> Street, NW, Washington, DC. An agenda for each meeting will be posted on the State Board's website at [sboe.dc.gov](http://sboe.dc.gov). This schedule is subject to change. Please note that all meetings of the State Board will be held virtually until further notice.

For further information, please contact the front desk at 202-741-0888.

Type of Meeting	Date	Time	Location
Working Session	1/6/21	5:00 PM	Livestream <a href="http://bit.ly/SBOEJanuary2021WS">bit.ly/SBOEJanuary2021WS</a>
Student Advisory Committee	1/11/21	5:30 PM	Zoom Meeting (Please contact <a href="mailto:sboe@dc.gov">sboe@dc.gov</a> for the joining information)
Public Meeting	1/13/21	5:30 PM	Livestream <a href="http://bit.ly/SBOEJanuary2021PM">bit.ly/SBOEJanuary2021PM</a>
Working Session	2/3/21	5:00 PM	Livestream <a href="http://bit.ly/SBOEFebruary2021WS">bit.ly/SBOEFebruary2021WS</a>
Student Advisory Committee	2/8/21	5:30 PM	Zoom Meeting (Please contact <a href="mailto:sboe@dc.gov">sboe@dc.gov</a> for the joining information)
Public Meeting	2/17/21	5:30 PM	Livestream <a href="http://bit.ly/SBOEFebruary2021PM">bit.ly/SBOEFebruary2021PM</a>
Working Session	3/3/21	5:00 PM	Livestream <a href="http://bit.ly/SBOEMarch2021WS">bit.ly/SBOEMarch2021WS</a>
Student Advisory Committee	3/8/21	5:30 PM	Zoom Meeting (Please contact <a href="mailto:sboe@dc.gov">sboe@dc.gov</a> for the joining information)
Public Meeting	3/17/21	5:30 PM	Livestream <a href="http://bit.ly/SBOEMarch2021PM">bit.ly/SBOEMarch2021PM</a>
Working Session	4/7/21	5:00 PM	Livestream <a href="http://bit.ly/SBOEApril2021WS">bit.ly/SBOEApril2021WS</a>
Student Advisory Committee	4/12/21	5:30 PM	Zoom Meeting (Please contact <a href="mailto:sboe@dc.gov">sboe@dc.gov</a> for the joining information)

Public Meeting	4/21/21	5:30 PM	Livestream <a href="https://bit.ly/SBOEApril2021PM">bit.ly/SBOEApril2021PM</a>
Working Session	5/5/21	5:00 PM	Tentative
Student Advisory Committee	5/10/21	5:30 PM	Tentative
Public Meeting	5/19/21	5:30 PM	Tentative
Working Session	6/2/21	5:00 PM	Tentative
Student Advisory Committee	6/14/21	5:30 PM	Tentative
Public Meeting	6/16/21	5:30 PM	Tentative
Working Session	7/7/21	5:00 PM	Tentative
Public Meeting	7/21/21	5:30 PM	Tentative
Working Session	8/4/21	5:00 PM	Tentative
Working Session	9/1/21	5:00 PM	Tentative
Student Advisory Committee	9/13/21	5:30 PM	Tentative
Public Meeting	9/15/21	5:30 PM	Tentative
Working Session	10/6/21	5:00 PM	Tentative
Student Advisory Committee	10/12/21	5:30 PM	Tentative
Public Meeting	10/20/21	5:30 PM	Tentative
Working Session	11/3/21	5:00 PM	Tentative



Student Advisory Committee	11/8/21	5:30 PM	Tentative
Public Meeting	11/17/21	5:30 PM	Tentative
Working Session	12/1/21	5:00 PM	Tentative
Student Advisory Committee	12/13/21	5:30 PM	Tentative
Public Meeting	12/15/21	5:30 PM	Tentative

**STATE BOARD OF EDUCATION  
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**

**NOTICE OF PUBLIC MEETING**

**Community Schools Advisory Committee Meeting**

The State Board of Education and the Office of the State Superintendent of Education will be holding its Community Schools Advisory Committee meeting on Wednesday, January 27, 2021 at 10:00 a.m. The meeting will be held via Microsoft Teams at the link below. Below is the agenda for this meeting.

**AGENDA**

1. Call to Order (2 minutes)
2. Roll Call (5 minutes)
3. Mayor's Office on Talent and Appointments: Swearing-in of New Members (5 minutes)
4. Ascertainment of Quorum (1 minute)
5. Adoption of the Minutes of the Nov. 18, 2020 meetings (2 minutes)
6. OSSE Annual Attendance Report (20 minutes)
7. DCPS Update: Community Mapping and Connected Schools (20 minutes)
8. Goals Discussion (30 minutes)
9. Grant Update and Activities (5 minutes)
10. Membership Update (5 minutes)
11. New Business (15 minutes)
12. Opportunity for Public Comment (10 minutes)
13. Adjournment

**Meeting Link:**

[https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F\\_%23%2F1%2Fmeetup-join%2F19%3Ameeting\\_OGNIZTc4OWEtY2FmOS00ZGM4LTgwYzYtMTdlYmZjMjcwMWY2%40thread.v2%2F0%3Fcontext%3D%257B%2522Tid%2522%3A%25228fe449f1-8b94-4fb7-9906-6f939da82d73%2522%2C%2522Oid%2522%3A%2522e3b6870c-65bc-44ae-894a-ffa35ffa13f%2522%257D%26anon%3Dtrue&type=meetup-join&deeplinkId=f8a9dc2a-e217-4ff6-87f1-625f52507a00&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_OGNIZTc4OWEtY2FmOS00ZGM4LTgwYzYtMTdlYmZjMjcwMWY2%40thread.v2%2F0%3Fcontext%3D%257B%2522Tid%2522%3A%25228fe449f1-8b94-4fb7-9906-6f939da82d73%2522%2C%2522Oid%2522%3A%2522e3b6870c-65bc-44ae-894a-ffa35ffa13f%2522%257D%26anon%3Dtrue&type=meetup-join&deeplinkId=f8a9dc2a-e217-4ff6-87f1-625f52507a00&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true)

**Registration password:** This meeting does not require a password for registration.

For additional information, please contact **Melissa Harper-Butler** at (202) 727-6436 or [melissa.harper-butler@dc.gov](mailto:melissa.harper-butler@dc.gov).

**DEPARTMENT OF GENERAL SERVICES****Shortened Notice Pursuant to D.C. Official Code Section 1-309.10(b)****Change of Use at Langdon Park Community Center**

Pursuant to D.C. Official Code Section 1-309.10(b), this letter shall serve as shortened notice that the District of Columbia Department of General Services intends to change the use of Langdon Park Community Center, located at 2901 20<sup>th</sup> Street, NE in Ward 5 (“Property”). Specifically, the interior of the property will be used as a Seasonal Hypothermia Shelter operated by the District’s Department of Human Services. The subject space is currently being used on as-needed basis to support various programs for the Department of Parks and Recreation.

The notice period is being shortened for good cause on an emergency basis. The notice period is being reduced due to the urgency of providing individuals experiencing homelessness protection from cold weather injury.

Hypothermia Season goes from November 2020 through mid-April 2021. This property will operate as a hyperthermia shelter beginning on January 6, 2021 and potentially stay open through March 31, 2021, on an as-needed basis. For consideration, DGS welcomes your comments to the above-proposed action by January 15, 2021 at 12:00pm. Please include a reference to the subject matter identified at the top of this notice in your response.

Please send any recommendations regarding the foregoing to the Department of General Services by email to Tiwana Hicks, Realty Officer, at [ANC.comments@dc.gov](mailto:ANC.comments@dc.gov) or by U.S. mail at 2000 14<sup>th</sup> Street, N.W., 8<sup>th</sup> Floor, Washington, D.C. 20009, Attention: Tiwana Hicks. Should you have any questions regarding this notice, please contact Tiwana Hicks at (202) 698-7762 or at the email address above.

## DEPARTMENT OF HEALTH (DC HEALTH)

**NOTICE OF CANCELLATION OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee meeting scheduled for Tuesday, January 19, 2021, at 10:00 a.m. has been canceled.

Please monitor the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](https://doh.dc.gov/pdmp) for updates. Phone inquiries will not be accepted regarding this topic.

**DEPARTMENT OF HEALTH (DC HEALTH)**

**NOTICE OF FUNDING AVAILABILITY**

**Harm Reduction Vending Machines**

**This notice supersedes the notice published in DC Register on December 18, 2020 Vol 67/52**

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	Harm Reduction Vending Machines
Funding Opportunity Number:	FO-HAHSTA-PG-00002-003
Program RFA ID#:	RFA HAHSTA_HDVM 01.04.2021
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration
DC Health Program Bureau	Prevention and Intervention Services Bureau
Program Contact:	Stacey L. Cooper, MSW Deputy Chief Prevention <a href="mailto:Stacey.Cooper@dc.gov">Stacey.Cooper@dc.gov</a>
Program Description:	DC Health, HIV/AIDS, Hepatitis, STD, and TB Administration (HAHSTA) is seeking an eligible organization to pilot a program using vending machines to provide low barrier access to harm reduction and wellness materials. The organization, in partnership with HAHSTA, will implement and sustain a harm reduction initiative that increases access to proven effective harm reduction, opioid overdose reduction and wellness materials via vending machines, placed in three areas of the District in support of expanding harm reduction efforts.
Eligible Applicants	501(c)(3) Not- for profit organizations located and licensed to conduct business in the District of Columbia.

Anticipated # of Awards:	1
Anticipated Amount Available:	Up to \$150,000
Floor Award Amount:	\$100,000
Ceiling Award Amount:	\$150,000

**Funding Authorization**

Legislative Authorization	Section 318(b-c) of the Public Health Service Act (42 USC § 247c(b) the Consolidated Appropriation Act of 2016 (Pub. L. 114-113).
Associated CFDA#	93.940
Associated Federal Award ID#	NU63PS924632
Cost Sharing / Match Required?	No
RFA Release Date:	Monday, January 11, 2021
Pre-Application Meeting (Date)	Thursday, January 14, 2021
Pre-Application Meeting (Time)	1:00 p.m. – 2:30 p.m.
Pre-Application Meeting (Location/Conference Call Access)	Microsoft Teams meeting <b>Join on your computer or mobile app</b> <u><a href="#">Click here to join the meeting</a></u>
Letter of Intent Due date:	Not required
Application Deadline Date:	Thursday, February 11, 2021
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <u><a href="https://communityaffairs.dc.gov/content/community-grant-program">https://communityaffairs.dc.gov/content/community-grant-program</a></u> DC Health EGMS <u><a href="https://dcdoh.force.com/GO__ApplicantLogin2">https://dcdoh.force.com/GO__ApplicantLogin2</a></u>

**DEPARTMENT OF HEALTH (DC HEALTH)**

**NOTICE OF FUNDING AVAILABILITY**

**Maternal and Child Health Services Block Grant to States Program  
amended**

**This notice supersedes the notice published in DC Register on January 1, 2021 Vol 68/1**

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DC Health’s intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	Maternal and Child Health Services Block Grant to States Program
Funding Opportunity Number:	CHA-PG-00101-004
Program RFA ID#:	CHA-MCHSP-12.18.20
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program	Office of the Senior Deputy Director
Program Contact:	Jasmine Bihm Program Manager <a href="mailto:titlev@dc.gov">titlev@dc.gov</a> Title V Program
Program Description:	This funding opportunity seeks applications from qualified entities to develop programs and initiatives in support of selected Title V Program priorities: improving women’s reproductive health: well-woman visits; breastfeeding; mental health including grief and trauma-informed care; positive youth development; medical home identification; transition; oral health. Programs and initiatives must be tailored to the identified maternal child health (MCH) populations as defined by the Health Resources and Services Administration, Maternal and Child Health Bureau: 1) Women/Maternal Health; 2) Perinatal/Infant Health; 3) Child Health; 4) Adolescent Health and; 5) Children with Special Health Care Needs (CSHCN).

Eligible Applicants	Not-for profit, public and private organizations, primary care clinics and FQHCs located and licensed to conduct business within the District of Columbia and experienced in providing services to one or more of the target populations: women, infants, children, children with special health care needs, and adolescents. <del>Additionally, 40% of the organizations' annual budget must be funded from private sources.</del>
Anticipated # of Awards:	Up to eight (8)
Anticipated Amount Available:	\$2,400,000
Floor Award Amount:	\$50,000
Ceiling Award Amount:	\$300,000

**Funding Authorization**

Authorization (Legislation)	Social Security Act, Title V, 45CFR 96
CFDA#	93.994
Federal Award ID#	BO4MC33828
Cost Sharing / Match Required?	No
RFA Release Date:	December 18, 2020
Pre-Application Meeting (Date)	December 23, 2020
Pre-Application Meeting (Time)	2:00pm-3:30pm
Pre-Application Meeting (Location/Conference Call Access)	Virtual Webex meeting: <a href="https://dcnet.webex.com/dcnet/j.php?MTID=m0a7ed6595084479d7a0c527d7c7824c8">https://dcnet.webex.com/dcnet/j.php?MTID=m0a7ed6595084479d7a0c527d7c7824c8</a>
Letter of Intent	Not applicable
Application Deadline Date:	January 25, 2021
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="https://communityaffairs.dc.gov/content/community-grant-program">https://communityaffairs.dc.gov/content/community-grant-program</a> DC Health EGMS <a href="https://dcdoh.force.com/GO__ApplicantLogin2">https://dcdoh.force.com/GO__ApplicantLogin2</a>



**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**NOTICE OF 2021 PUBLIC MEETING SCHEDULE**

**District of Columbia Housing Production Trust Fund Board**

The DC Department of Housing and Community Development hereby announces that the District of Columbia Housing Production Trust Fund Board will hold regularly scheduled public meetings in the year 2021, on the third Thursday of each month at 12:30 p.m. on the following dates:

January 21 <sup>st</sup> Regular Meeting
February 18 <sup>th</sup> Regular Meeting
March 18 <sup>th</sup> Regular Meeting
April 15 <sup>th</sup> Regular Meeting
May 20 <sup>th</sup> Regular Meeting
June 17 <sup>th</sup> Regular Meeting
July 15 <sup>th</sup> Regular Meeting
August 19 <sup>th</sup> Regular Meeting
September 16 <sup>th</sup> Regular Meeting
October 21 <sup>st</sup> Regular Meeting
November 18 <sup>th</sup> Regular Meeting
December 16 <sup>th</sup> Regular Meeting

The public meetings shall take place at the DHCD Headquarters, 1800 Martin Luther King Jr., Avenue or virtually in accordance with provisions of the Open Meetings Act and the COVID-19 Response Emergency Amendment Act of 2020 that allows any board, commission, or other public body to waive its meeting requirement during the time of a public health emergency, unless otherwise directed by the Mayor to meet. For additional information, please call 202-442-7200 or email [dhcd@dc.gov](mailto:dhcd@dc.gov).

## DISTRICT OF COLUMBIA HOUSING AUTHORITY

## NOTICE OF PUBLIC MEETINGS

## Board of Commissioners

1133 North Capitol Street, Northeast  
Washington, D.C. 20002-7599  
202-535-1000

The Regular Meetings of the Board of Commissioners of the District of Columbia Housing Authority are held in open session on the second Wednesday of each month. The following dates and times of the meetings are for the year 2021. All meetings will be held via WebEx until further notice.

February 10, 2021	VIA WEBEX	1:00 p.m.
March 10, 2021	VIA WEBEX	1:00 p.m.
April 14, 2021	VIA WEBEX	1:00 p.m.
May 12, 2021	VIA WEBEX	1:00 p.m.
June 9, 2021	VIA WEBEX	1:00 p.m.
July 14, 2021	VIA WEBEX	1:00 p.m.
September 8, 2021	VIA WEBEX	1:00 p.m.
October 13, 2021	VIA WEBEX	1:00 p.m.
November 10, 2021	VIA WEBEX	1:00 p.m.
December 8, 2021	VIA WEBEX	1:00 p.m.

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY  
PUBLIC CHARTER SCHOOL  
NOTICE: FOR PROPOSALS FOR MULTIPLE SERVICES**

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Facility Management Services
  
- Virtual Learning Equipment
  - Requesting a proposal for the procurement/installation of 50 flat screen TV's, 50 stable mobile stands and 50 Google ChromeCast

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 1/26/2021. Contact: [bids@ideapcs.org](mailto:bids@ideapcs.org)

**IDEA INTEGRATED DESIGN AND ELECTRONIC ACADEMY  
PUBLIC CHARTER SCHOOL  
NOTICE: FOR PROPOSALS FOR SPECIAL EDUCATION SERVICES**

IDEA Integrated Design and Electronic Academy PCS solicits proposals for the following services:

- Special Education Contracted Services

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on 1/26/2021. Contact: [bids@ideapcs.org](mailto:bids@ideapcs.org)

**OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING OF THE  
WALTER REED ARMY MEDICAL CENTER  
COMMUNITY ADVISORY COMMITTEE**

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code § 2-574(1)).

The date, time and location of the Public Meeting shall be as follows:

**Date:** Monday, January 25<sup>th</sup>  
**Time:** 6:30 PM – 8:00 PM  
**Location:** - WebEx Call -  
Join by phone 1-650-479-3208  
Meeting Number (access code): 172 997 2166  
**Contact:** Randall Clarke, DMPED

Walter Reed Community Advisory Committee Meeting Agenda

1. LRA Opening Remarks
  - Welcome & Intro
  - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
  - CBE First Source Project Update/Upcoming Opportunities
  - Construction Updates
  - Project Events
  - Other Project Updates
3. Adjourn - 8pm

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**  
**NOTIFICATION OF CHARTER REVIEW**

**SUMMARY:** The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on the DC public charter schools listed below, which are up for a charter review on February 22, 2021. Pending DC PCSB staff’s analysis, the Board may elect to do one of the following for each school: 1) continue the school’s charter without conditions, 2) conditionally continue the school’s charter by imposing annual or interim targets or requirements it must meet, *or* 3) commence charter revocation proceedings.

1. KIPP DC Public Charter School (PCS):

KIPP DC PCS is up for its 20-year charter review. The school currently operates 18 campus across seven facilities in Wards 5, 6, 7, and 8 where it serves students in grades pre-kindergarten 3 (PK3) – 12. Its mission is to provide “tuition-free, open enrollment schools, and actively recruit and serve students in the city's most educationally underserved communities. At KIPP DC, there are no shortcuts. Highly skilled teachers and leaders, more time in school, a rigorous college preparatory-curriculum, and a strong culture of high expectations and support help our students make significant academic gains and continue to excel in high school and college.”

2. Mundo Verde Bilingual PCS:

Mundo Verde PCS is up for its 10-year charter review. The school currently operates two campuses across two facilities in Ward 5 where it serves students in grades PK3 – 5. Its mission is to “foster high levels of academic achievement among a diverse group of students by preparing them to be successful and compassionate global stewards of their communities through an engaging curriculum focused on sustainability and biliteracy.”

3. The Next Step PCS:

The Next Step PCS is up for its 25-year charter review. The school currently operates a single campus across two facilities in Ward 1 where it serves adult-aged students. Its mission is to “provide students who face extraordinary challenges and who are not supported in traditional high schools with the opportunity to continue their education.”

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., the DC PCSB is required to review each DC charter school’s performance at least once every five years.

**DATES:**

- Comments must be submitted on or before February 22, 2021.
- Vote will be held on February 22, 2021 at 6:30pm. For location, please check [www.dcpsb.org](http://www.dcpsb.org).

**ADDRESSES:** You may submit comments, identified by “[School Name] - Notice of Petition for Charter Review,” by any one of the methods listed below.<sup>1</sup>

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<sup>1</sup> DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene langua

1. Submit a written comment via:
  - (a) Email: [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org)
  - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> Street NW, Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier: Same as postal address above
2. Sign up to testify at the board meeting on February 22, 2021 by emailing a request to [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org) by no later than noon on February 22, 2021.

**FOR FURTHER INFORMATION CONTACT:** Melodi Sampson, Senior Manager—School Quality and Accountability, at (202) 330-4046; email: [msampson@dcpcsb.org](mailto:msampson@dcpcsb.org).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF**TT00-5, IN THE MATTER OF VERIZON WASHINGTON, DC INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201,**

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 and in accordance with Section 2-505 of the District of Columbia Code,<sup>1</sup> of its final action taken in the above-captioned proceeding.

2. On September 28, 2020, Verizon Washington, DC Inc. (Verizon or Company), filed its ROW Compliance Filing for 2020,<sup>2</sup> in accordance with D.C. Code § 10-1141.06.<sup>3</sup> On November 5, 2020, Verizon filed a Revised ROW Compliance Filing, superseding the earlier filing.<sup>4</sup> The Revised ROW Compliance Filing describes the process Verizon uses to recover from its customers the District of Columbia Public ROW fees it pays to the District of Columbia Government. Moreover, Verizon's Revised ROW Compliance Filing contains the most recent calculations and updated rates for the Company's ROW surcharges, in accordance with the following tariff page:<sup>5</sup>

**GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201**  
**Section 1A**  
**Page 2**

3. In the Revised ROW Compliance Filing, Verizon compares the current ROW surcharges and the updated ROW surcharges for the ROW Surcharge Rider.<sup>6</sup> Specifically, the Revised ROW Compliance Filing indicates that the ROW Surcharge

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<sup>1</sup> D.C. Code § 2-505 (2019) and D.C. Code § 34-802 (2019).

<sup>2</sup> *TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C.-D.C. No. 201 (TT00-5)*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Douglas R. Smith, Vice President for State Government Affairs – Mid-Atlantic Region, RE: TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C. – D.C. No. 201 (ROW Compliance Filing), filed September 28, 2020.

<sup>3</sup> *See* D.C. Code § 10-1141.06 (2019).

<sup>4</sup> *TT00-5*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Douglas R. Smith, Vice President for State Government Affairs – Mid-Atlantic Region, RE: Case No. TT00-5, In the Matter of Verizon Washington, DC Inc.'s Public Occupancy Surcharge General Regulations Tariff, P.S.C. – D.C. No. 201 (Revised ROW Compliance Filing), filed November 5, 2020.

<sup>5</sup> *TT00-5*, Revised ROW Compliance Filing at 2.

<sup>6</sup> *TT00-5*, Revised ROW Compliance Filing at 2.



Rider will increase by \$1.66, from \$8.11 to the updated rate of \$9.77 for Non-Centrex lines, and increase by \$0.21, from \$1.01 to the updated rate of \$1.22 for Centrex lines.<sup>7</sup> According to Verizon, the projected cost recovery is based on the line loss experienced in the first half of 2020 versus the first half of 2019.<sup>8</sup> Verizon seeks to implement the updated rates by January 1, 2021.<sup>9</sup>

4. The Commission issued a Notice of Proposed Tariff (NOPT) that was published in the *D.C. Register* on November 20, 2020, inviting comments on Verizon's ROW Compliance Filing.<sup>10</sup> In the NOPT, the Commission states that Verizon has a statutory right to implement its filed ROW Surcharge rate revisions, but if the Commission discovers any inaccuracies in the calculation of the proposed surcharge rates, Verizon could be subject to a reconciliation of the surcharge rates. No comments were filed in response to the NOPT and the Commission is satisfied that the ROW Surcharge Rider rates proposed by Verizon in the ROW Compliance Filing comply with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on January 6, 2021, took final action approving Verizon's ROW Compliance Filing. Verizon's ROW Compliance Filing shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

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<sup>7</sup> *TT00-5*, Revised ROW Compliance Filing at 2. As reflected in this filing, Verizon did not implement the Commission-approved 2019 rates for Non-Centrex lines of \$8.99 and \$1.12 for Centrex lines.

<sup>8</sup> *TT00-5*, Revised ROW Compliance Filing at 2.

<sup>9</sup> *TT00-5*, Revised ROW Compliance Filing at 2.

<sup>10</sup> *67 D.C. Reg.* 13830-13831 (November 20, 2020).

**DISTRICT OF COLUMBIA RETIREMENT BOARD**  
**ANNUAL OPEN PUBLIC MEETING SCHEDULE**

**As of January 5, 2021**

The District of Columbia Retirement Board (DCRB) holds Open Board of Trustee meetings on the third Thursday of each month at 1:00 p.m., unless specified differently. The meetings will be held in the DCRB Board Room (2<sup>nd</sup> floor) at 900 7<sup>th</sup> Street, N.W., Washington, D.C 20001. The meeting place and time are subject to change without prior notice. Due to the Pandemic, meetings have been held virtually.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled.* For additional information, please contact Deborah Reaves, Board Liaison, at (202) 343-3200 or email [Deborah.reaves@dc.gov](mailto:Deborah.reaves@dc.gov)

**2021 Annual Open Board Meeting Schedule**

January 21, 2021

February 18, 2021

March 18, 2021

April 15, 2021 \*

May 20, 2021

June 17, 2021

July 15, 2021

**August – No Meeting**

September 16, 2021

October 21, 2021

November 18, 2021

December 16, 2021

\*May be rescheduled due to the District holiday.

**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 February 15, 2021.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 15, 2021. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 15, 2021  
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Adams	Felix	Self 4273 Edson Place, NE, Apt. #6	20019
Amacher	Kelly Anne	NBCUniversal 4001 Nebraska Avenue, NW	20016
Antonio	Mara S.	MedStar Washington Hospital Center 110 Irving Street, NW, Suite 6D15	20010
Arnold	Danielle G.	Medstar Washington Hospital Center 106 Irving Street, NW, #121	20010
Barber	James R.	Self 336 Madison Street, NW	20011
Barber	Jennifer Sydnor	Self 336 Madison Street, NW	20011
Baron	Sabina J.	Greenberg Traurig LLP 2101 L Street, NW, Suite 1000	20037
Bayer	Mark A.	Bayer & Kaufman, LLP 1990 K Street, NW, #605	20037
Bellamy	Katrina	NERA 1255 23rd Street, NW	20037
Butler-Sherman	Evangela R.	Sidley Austin, LLP 1501 K Street, NW	20005
Chinyavong	Somchay	Winston & Strawn, LLP 1901 L Street, NW	20036
Cooper	Cheri L.	Self (Dual) 517 Oneida Place, NW	20011
Cooper	Toni Alicia	Self 3044 Stanton Road, SE, #102	20020
DeVillasee	Jaliyl Kai	Self 221 Webster Street, NE, Apartment 2	20011

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Recommendations for Appointments as DC Notaries PublicEffective: February 15, 2021  
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Dickson	Elizabeth	Freedom Forum 300 New Jersey Avenue, NW, Suite 800	20001
Downes	Virginia	The Barker Adoption Foundation 1066 30th Street, NW	20006
Dozier	Marcia L.	K&L Gates LLP 1601 K Street, NW	20006
Duncan	Barbara Melvin	Self 4370 Dubois Place, SE	20019
Ellerbe	Tamera	Self 611 Barnes Street, NE	20019
Floyd	Robin	Self 1312 19th Street, NW	20036
Gaskins	Nancy J.	Self (Dual) 3142 Monroe Street, NE	20782
Greene	Tiyenne Alise	Conference of State Bank Supervisors 1129 20th Street, NW, Suite 900	20036
Ham	Elisabeth Bailey	The Headfirst Companies 2639 Connecticut Avenue, NW, Suite 250	20008
Harper	Mel	Self (Dual) 908 Hilltop Terrace, SE	20019
Harris	Shirley	Life Enhancement Service 1818 New York Avenue, NE, Suite 115	20002
Honeywell	Elizabeth	Stein Mitchell Beato & Missner, LLP 901 15th Street, NW, #700	20005
Horne	Adam Gregory	The UPS Store 455 Massachusetts Avenue, NW	20001
Hugh	Eric	DC Department of Rehabilitative Services 1000 Mount Olivet Road, NE	20002

D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries PublicEffective: February 15, 2021  
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Jakulla	Aaron Reynold Wilson	SunTrust Bank  3402 Wisconsin Avenue, NW	20016
Johnson	Ericia	Eckert Seamans Cherin & Mellott, LLC 1717 Pennsylvania Avenue, NW, 12th Floor	20006
Jones	Capreisha Angelic	Self 2228 Martin Luther King Jr., Avenue, SE, Apt. #314	20020
Jones	Cody	Jane Moretz-Edmisten & Associates, P.C. 4530 Wisconsin Avenue, NW, Suite 425	20016
Jordan	Dion	Chase Bank 3100 14th Street, NW, #118	20010
Jordan	LeKisha	Self 3949 Alabama Avenue, SE	20020
Kunkle	Kathryn Greta	Elements Global Services 1331 F Street, NW, #420	20004
Lane	Tanya Rahael	Law Offices of Duane O. King, PC 1101 L Street, SE	20003
Larkins	Veronica Dormae	Self 1327 Anacostia Road, SE, #1	20019
Long	Quentin	Self 1303 Quincy Street, NW	20011
Mason	Franklin	Partners for the Common Good 1444 I Street, NW, #201	20005
Mason	Lauren Rose	Self 4840 Van Ness Street, NW	20016
Matthew	Goldstein	Planet Depos 1100 Connecticut Avenue, NW, #950	20036
Middleton	Jarrett Louis	Accupermit, LLC	

D.C. Office of the Secretary  
 Recommendations for Appointments as DC Notaries Public

Effective: February 15, 2021  
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		4400 Sheriff Road, NE	20019
Morales	Carolina Ramos	Self (Dual) 1416 Saratoga Avenue, NE, #5	20018
Moses	Crystal Perkins	Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW	20004
Mqadi	Yilinase	Anderson Court Reporting, LLC 1717 K Street, NW	20006
Norman	Crystal Kay	Self (Dual) 2028 C Street, NE	20002
Osborne	Vonetta	Delon Hampton & Associates, Chartered 900 7th Street, NW, Suite #800	20001
Pappan	Panagiota Anna	Paragon Title 1401 Q Street, NW	20009
Polk	Dominique S.	Kutak Rock, LLP 1625 Eye Street, NW, #800	20006
Purchase	Delisa N.	Self (Dual) 5333 Connecticut Avenue, NW, Apartment 223	20015
Robinson	Christine	Self 4304 9th Street, SE	20032
Rogers	Patience Delores	Self 1800 28th Place, SE, Unit 101	20020
Roye	Shauna Marie	Dominican House of Studies 487 Michigan Avenue, NE	20017
Scott-Hill	Cynthia Ann	U.S. Agency for International Development 1300 Pennsylvania Avenue, NW, #6.08- 055	20523
Simons	Ashley Kalannie	Birchstone Moore LLC	

D.C. Office of the Secretary  
 Recommendations for Appointments as DC Notaries Public

Effective: February 15, 2021  
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		2233 Wisconsin Avenue, NW, #400	20007
Simpson	Colette Marie Pollitt	U.S. House of Representatives 15 Independence Avenue, SE	20515
Stevens-Lassiter	Paula Mae	Self (Dual) 4117 Massachusetts Avenue, SE	20019
Taylor	Myrna Jean	Winston & Strawn, LLP 1901 L Street, NW	20036
Thomas	Ruth A.	Holland & Knight LLP 800 Seventeenth Street, NW, Suite 1100	20006
Thomas	Yanic	Green Pastures 6218 Georgia Avenue, NW, #1	20011
Thornton	Ivana Estelle	Self (Dual) 805 Channing Place, NE, #308	20018
Thornton	Michelle	Self (Dual) 23 Underwood Place, NE	20012
Tubbs	Joshua A.	Planet Depos 1100 Connecticut Avenue, NW, Suite #950	20036
Tucker-Jackson	Lorna	Office of the General Counsel for the Metropolitan Police Department 300 Indiana Avenue, NW	20001
Wallace	Bryan Charles	RFB Properties 263 14th Street, SE, #B	20003
Williams	Debra Ann	EagleBank 700 7th Street, NW	20001
Williams	Desiree Diante	Self (Dual) 1007 18th Street, NE, Apt. #3	20002



**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: February 15, 2021  
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Williams	Meekness S.	INOTARY LLC 601 Pennsylvania Avenue, NW, South Building, Suite 900	20004
Williams	Teresa	Carr Maloney P.C. 2020 K Street, NW, 850	20006
Zarfoss	Tyler	Miller & Long DC, Inc. 4001 Brandywine Street, NW, Suite 400	20016

**DISTRICT DEPARTMENT OF TRANSPORTATION  
MEETING NOTICE  
MAJOR CRASH REVIEW TASK FORCE**

The Major Crash Review Task Force will hold the following meetings in Calendar Year 2021:

<b>Date</b>	<b>Time</b>	<b>Location</b>
January 27, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <b><a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a></b>
February 24, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <b><a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a></b>
March 31, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <b><a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a></b>
April 28, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <b><a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a></b>
May 26, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <b><a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a></b>
June 30, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <b><a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a></b>

July 28, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a>
August 25, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a>
September 29, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a>
October 27, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a>
November 17, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a>
December 15, 2021	2:30 PM – 5:30 PM	Remote Meeting via Microsoft Teams unless otherwise noticed at <a href="https://www.open-dc.gov/public-bodies/meetings">https://www.open-dc.gov/public-bodies/meetings</a>

The initial and concluding portions of the meeting are open to the public. Due to the sensitive nature of personal information discussed during the detailed review of major crashes, the crash review portion of the meeting is not open to the public. The default draft agenda for meetings is available below. If you have any questions about the task force or its meetings, please contact [vision.zero@dc.gov](mailto:vision.zero@dc.gov) via e-mail or 202-790-6842 via phone.

Sample Draft Agenda

Public Portion of Meeting

- I. Welcome and Introductions
- II. Confirm any new Voting Members or Alternate Members
  - a. Vote on any new non-voting members
  - b. Sign non-disclosure agreements
- III. Approval of past meeting minutes

Closed Portion of Meeting

- IV. Review of Major Crashes

Public Portion of Meeting

- V. New Business
- VI. Adjournment

**ጠቃሚ ማስታወቂያ**

ይህ ሰነድ ጠቃሚ መረጃ ይዟል። በአማርኛ እርዳታ ከፈለጉ ወይም ስለዚህ ማስታወቂያ ጥያቄ ካለዎት በ 202-790-6842 ይደውሉ። የትኛውን ቋንቋ እንደሚናገሩ ለደንበኞች አገልግሎት ተወካይ ይንገሩ። ያለምንም ክፍያ አስተርጓሚ ይመደብልዎታል። እናመሰግናለን።

**重要通知**

本文件包含重要資訊。如果您需要用（中文）接受幫助或者對本通知有疑問，請電洽 202-790-6842。請告訴客戶服務部代表您所說的語言，會免費向您提供口譯員服務。謝謝！

**AVIS IMPORTANT**

Ce document contient des informations importantes. Si vous avez besoin d'aide en Français ou si vous avez des questions au sujet du présent avis, veuillez appeler le 202-790-6842. Dites au représentant de service quelle langue vous parlez et l'assistance d'un interprète vous sera fournie gratuitement. Merci.

**안내**

이 안내문은 중요한 내용을 담고 있습니다. 한국어로 언어 지원이 필요하시거나 질문이 있으실 경우 202-790-6842 로 연락을 주십시오. 필요하신 경우, 고객 서비스 담당원에게 지원 받고자 하는 언어를 알려주시면, 무료로 통역 서비스가 제공됩니다. 감사합니다.

**AVISO IMPORTANTE**

Este documento contiene información importante. Si necesita ayuda en Español o si tiene alguna pregunta sobre este aviso, por favor llame al 202-790-6842. Infórmele al representante de atención al cliente el idioma que habla para que le proporcione un intérprete sin costo para usted. Gracias.

**THÔNG BÁO QUAN TRỌNG**

Tài liệu này có nhiều thông tin quan trọng. Nếu quý vị cần giúp đỡ về tiếng Việt, hoặc có thắc mắc về thông báo này, xin gọi 202-790-6842. Nói với người trả lời điện thoại là quý vị muốn nói chuyện bằng tiếng Việt để chúng tôi thu xếp có thông dịch viên đến giúp quý vị mà không tốn đồng nào. Xin cảm ơn.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC MEETING NOTICE  
WEDNESDAY, JANUARY 27, 2021  
VIRTUAL MEETING via WEBEX**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD SIX**

<b>Application of:</b>	<b>Elton Investment, LLC</b>
<b>Application No.</b>	<b>19847A</b>
<b>Address:</b>	329 16th Street S.E. (Square 1074, Lot 80)
<b>ANC:</b>	<b>6B</b>
<b>Relief:</b>	Time Extension pursuant to: <ul style="list-style-type: none"> <li>• Subtitle Y § 705.1</li> </ul>
<b>Project:</b>	To extend for an additional twelve months, BZA Order No. 19847, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third-story and rear addition to a principal dwelling unit and convert the dwelling into a flat.

## BZA PUBLIC MEETING NOTICE

JANUARY 27, 2021

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WARD TWO

<b>Application of:</b>	<b>Nariman Dash and Haleh Rajae</b>
<b>Case No.:</b>	<b>19905A</b>
<b>Address:</b>	1410 15th Street N.W. (Square 195, Lot 107)
<b>ANC:</b>	<b>2B</b>
<b>Relief:</b>	Time Extension pursuant to: <ul style="list-style-type: none"> <li>• Subtitle Y § 705.1</li> </ul>
<b>Project:</b>	To extend for an additional two years BZA Order No. 19905 of Herb Hribar, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1, to construct a rear deck and bay window addition to an existing semi-detached principal dwelling unit in the RA-8 Zone at premises 1410 15th Street N.W. (Square 195, Lot 107).

**PLEASE NOTE:**

This public meeting will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to [bzasubmissions@dc.gov](mailto:bzasubmissions@dc.gov). Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

*\*Note that party status is not permitted in Foreign Missions cases.*

BZA PUBLIC MEETING NOTICE

JANUARY 27, 2021

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**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.



BZA PUBLIC MEETING NOTICE

JANUARY 27, 2021

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

**FREDERICK L. HILL, CHAIRPERSON  
LORNA L. JOHN, VICE-CHAIRPERSON  
VACANT, MEMBER  
CHRISHAUN SMITH, MEMBER,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF ZONING  
BOARD OF ZONING ADJUSTMENT

**BZA Order No. 17005-B**

**BZA Case No. 17005-A**

**Studio Theatre**

**Subtitle Y § 705.7 Administrative COVID-19 Six-Month Time Extension for a Modification of Consequence to the plans approved in BZA Order No. 17005, to allow additions to existing buildings in the ARTS-3 Zone. Lot 128, Square 241 (1501-1509 14th Street N.W.)**

- BZA Order (the “**Order**”), effective on January 20, 2019, was valid until January 20, 2021.
- The applicant filed an application to extend the Order’s validity per Subtitle Y § 705.7, as adopted by the Zoning Commission’s emergency action in Z.C. Case No. 20-26 by six months.
- Pursuant to Subtitle Y § 705.7, the Director of the Office of Zoning extends the Order’s validity to expire on July 20, 2021.

In accordance with the provisions of Subtitle Y §§ 604.7 and 604.11, this Order shall become effective ten (10) days after it becomes final upon filing in the record and service on the parties; that is, on January 17, 2021.



SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF ZONING  
BOARD OF ZONING ADJUSTMENT

BZA Order No. 19841-A

BZA Case No. 19841

Habitat for Humanity of Washington D.C.

Subtitle Y § 705.7 Administrative COVID-19 One-Year Time Extension for Special Exceptions to replace two detached dwelling units with 17 new semi-detached and detached dwelling units on a single record lot in the R-2 Zone. Lot 22, Square 5204 (900-914 55<sup>th</sup> Street, N.E)

- BZA Order (the “**Order**”), effective on January 27, 2019, was valid until January 27, 2021.
- The applicant filed an application to extend the Order’s validity per Subtitle Y § 705.7, as adopted by the Zoning Commission’s emergency action in Z.C. Case No. 20-26 by one year.
- Pursuant to Subtitle Y § 705.7, the Director of the Office of Zoning extends the Order’s validity to expire on January 27, 2022.

In accordance with the provisions of Subtitle Y §§ 604.7 and 604.11, this Order shall become effective ten (10) days after it becomes final upon filing in the record and service on the parties; that is, on January 17, 2021.



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SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20341 of 4527 Georgia Ave LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to raze the existing building and to construct a new 49-unit residential apartment building in the MU-4 Zone at premises 1544 Rhode Island Avenue, N.E. (Square 4021, Lot 15).

**HEARING DATE:** December 23, 2020

**DECISION DATE:** December 23, 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 4 (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") 5B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 18, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 34.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 36.) DDOT proposed conditions related to transportation demand management and loading management, which the Board adopted as part of this order.

Persons in Support. Three letters were filed in support of the application. (Exhibits 28, 29, and 30.)

### Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to raze the existing building and to construct a new 49-unit residential apartment building in the MU-4 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 5 – ARCHITECTURAL PLANS AND ELEVATIONS as REVISED by EXHIBIT 32 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS, and SUBJECT to the FOLLOWING CONDITIONS:**

- A. The Applicant shall implement the following **Transportation Demand Management (TDM) Plan** for the life of the project, unless otherwise noted:
1. The Applicant shall unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and charge a minimum rate based on the average market rate within a quarter mile.
  2. The Applicant shall identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
  3. The Applicant shall provide Transportation Coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on site, and report TDM activities and data collection efforts to goDCgo once per year.
  4. Transportation Coordinators shall receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan.

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<sup>1</sup> 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.

5. Transportation Coordinators shall develop, distribute, and market various transportation alternatives and options to the residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
  6. The Applicant shall provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT's goDCgo program by emailing [info@godcgo.com](mailto:info@godcgo.com).
  7. Transportation Coordinators shall subscribe to goDCgo's residential newsletter.
  8. The Applicant shall provide a SmarTrip card to every new resident and a complimentary Capital Bikeshare coupon good for one ride.
  9. The Applicant shall provide a bicycle repair station in each long-term parking storage room.
  10. The Applicant shall provide three collapsible shopping carts (utility carts) to encourage residents to walk to the grocery store and run errands.
- B. The Applicant shall implement a **Loading Management Plan** (LMP) for the life of the project. The loading plan shall identify how trash pick-up and move-ins/outs will occur and steps that shall be taken to mitigate any impacts to public space. It shall be reviewed and approved by DDOT prior to Certificate of Occupancy.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrisaun S. Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 4, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED

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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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20346 of John B. Gogos**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the alley lot use provisions of Subtitle U § 601.1(f), under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1 to construct a new, detached principal dwelling unit in the RF-1 Zone at premises 782 Fairmont Street, NW (Square 2884, Lot 81).

**HEARING DATE:** December 23, 2020  
**DECISION DATE:** December 23, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 44 (Final Revised); Exhibit 36 (Revised); Exhibit 4 (Original).)<sup>1</sup>

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") 1B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 1, 2020 at which a quorum was present, the ANC voted to support the application. (Exhibit 25.)

OP Report. The Office of Planning submitted an initial report recommending approval of the special exception for relief from the alley width requirements pursuant to Subtitle U § 601.1(f). (Exhibit 41.) The Office of Planning submitted a supplemental report recommending approval of the special exception relief from the penthouse setback requirements of Subtitle C § 1502.1, in addition to the previously submitted approval recommendation for alley width relief. (Exhibit 45.)

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<sup>1</sup> The relief was revised to eliminate a variance from the railing height requirement of Subtitle E § 5100.1(a), as not required by the Zoning Administrator. (See Exhibit 44B.)



DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 40.)

Additional Agency Responses. The Metropolitan Police Department and DC Fire and Emergency Services submitted letters stating no objection to the application (Exhibits 33 and 34.) DC Water submitted a letter that noted there was sufficient alley access and [the Applicant] will need to supply water minimum of 200 LF to service the subject property (in conjunction with the property at 921 Euclid Street, NW (the subject of BZA Case #20347)). (Exhibit 32.) The Department of Public Works submitted a letter that stated they had no objection to the application if the alley width is not decreased. (Exhibit 51.)

Persons in Support. One letter was submitted in support of the application. (Exhibit 26.)

Persons in Opposition. Phyllis Livingston and Conor Kevit testified in opposition to the application. One letter (Exhibit 49) and one video exhibit (Exhibit 49-I) were submitted in opposition to the application.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the alley lot use provisions of Subtitle U § 601.1(f), under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1 to construct a new, detached principal dwelling unit in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>2</sup> AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS, as REVISED by EXHIBIT 37 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS.**

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<sup>2</sup> 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.

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 4, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION 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

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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. 20347 of John B. Gogos**, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the alley lot use provisions of Subtitle U § 601.1(f), and under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1, to construct a new, detached principal dwelling unit in the RF-1 Zone at premises 921 Euclid Street, NW (Square 2884, Lot 82).

**HEARING DATE:** December 23, 2020

**DECISION DATE:** December 23, 2020

**SUMMARY ORDER**

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 43A (Final Revised); Exhibit 39 (Second Revised); Exhibit 37 (Revised); Exhibit 4 (Original).)<sup>1</sup>

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") 1B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 1, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 25.)

OP Report. The Office of Planning submitted an initial report recommending approval of the special exception relief from the alley width requirements pursuant to Subtitle U § 601.1(f) (Exhibit 41.) A supplemental report was submitted recommending approval of the special exception relief from the penthouse setback requirements of Subtitle C § 1502.1, in addition to the previously submitted approval recommendation for alley width relief. (Exhibit 44.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 40.)

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<sup>1</sup> The application was amended to remove variance relief from the alley lot height requirements of Subtitle C § 5100.1 after discussions with the Zoning Administrator.

Additional Agency Responses. The Metropolitan Police Department and DC Fire and Emergency Services submitted letters stating no objection to the application. (Exhibits 33 and 34.) DC Water submitted a letter that noted there was sufficient alley access and [the Applicant] will need to supply water minimum of 200 LF to service the subject property (in conjunction with the property at 782 Fairmont Street, NW (the subject of BZA Case #20346)). (Exhibit 32.) The Department of Public Works submitted a letter that stated they had no objection to the application if the alley width is not decreased. (Exhibit 49.)

Persons in Support. The Board received one letter from a neighbor in support of the application. (Exhibit 26.) Tiffany McCormack testified in support of the application.

Persons in Opposition. Phyllis Livingston and Conor Kevit testified in opposition to the application.

### **Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the alley lot use provisions of Subtitle U § 601.1(f), and under Subtitle C § 1504.1 from the penthouse setback requirements of Subtitle C § 1502.1, to construct a new, detached principal dwelling unit in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT** to the **APPROVED REVISED PLANS<sup>2</sup>** at **EXHIBIT 36 - REVISED ARCHITECTURAL PLANS AND ELEVATIONS.**

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

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<sup>2</sup> 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.

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 4, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 20364 of Jonathan Fellows**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1402.1, from the retaining wall height requirements of Subtitle C §§ 1401.3(b) and 1401.5, to replace an existing retaining wall in the R-15 Zone, at premises 3036 New Mexico Avenue, NW (Square 1622, Lot 819).

**HEARING DATE:** December 23, 2020  
**DECISION DATE:** December 23, 2020

**SUMMARY ORDER**

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 28 (Revised); Exhibit 7 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3D.

ANC Report. ANC 3D did not file a report for this application.

OP Report. The Office of Planning submitted a report, dated December 11, 2020, recommending approval of the application. (Exhibit 31.)

DDOT Report. The District Department of Transportation submitted a report, dated December 11, 2020, indicating that it had no objection to the application with one condition - that the Applicant close the existing curb cut and restore the driveway to green space, subject to DDOT approval. (Exhibit 32.) The Board did not adopt the proposed DDOT condition because the matter is not within the purview of the Board.

**Special Exception Relief**

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle C § 1402.1, from the retaining wall height requirements of Subtitle C §§ 1401.3(b) and 1401.5, to replace an existing retaining wall in the R-15 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports

and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 4 – ARCHITECTURAL PLANS AND ELEVATIONS.**

**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** January 4, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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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. 19-28**  
**Z.C. CASE NO. 19-28**  
**Square 417, LLC**  
**(Zoning Map Amendment @ Square 417, Lots 53 and 54)**  
**September 14, 2020**

Pursuant to notice, at its July 14, 2020 public hearing, the Zoning Commission for the District of Columbia (the “Commission”) considered an application (the “Application”) for a Zoning Map amendment by Square 417, LLC (the “Applicant”)<sup>1</sup> for approval of A map amendment of the Zoning Map from the RF-1 zone to the ARTS-3 zone (the “Map Amendment”) for Lots 53 and 54 in Square 417 (the “Property”), pursuant to Subtitle X § 500.1 of the Zoning Regulations. (Title 11 of the District of Columbia Municipal Regulations (“DCMR”), Zoning Regulations of 2016, to which all references are made unless otherwise specified.).

The Commission considered the Application as a contested case pursuant to Subtitle A § 210 and Subtitle Z, Chapter 4. For the reasons stated below, the Commission **APPROVES** the Application.

**FINDINGS OF FACT**  
**I. BACKGROUND**

**PARTIES**

1. In addition to the Applicant, the parties to this case were: Advisory Neighborhood Commissions (“ANC”) 1B, the ANC in which the Property is located, and ANC 6E, which shares a boundary with the Property, the “affected ANCs” pursuant to Subtitle Z §§ 101.8 and 403.5(b).
2. The Commission received no requests for party status.

**NOTICE**

3. On October 1, 2019, the Applicant mailed a notice of intent to file the Application to all property owners within 200 feet of the Property as well as ANCs 1B and 6E, as required by Subtitle Z §§ 304.5 and 304.6. (Exhibit [“Ex.”] 4.)
4. On May 21, 2020, the Office of Zoning (“OZ”) sent notice of the July 14, 2020, virtual public hearing to:
  - ANCs 1B and 6E;
  - ANC Single Member District (“SMD”) 1B01;
  - Office of the ANCs;
  - Office of Planning (“OP”);
  - District Department of Transportation (“DDOT”);
  - DC Council; and
  - Property owners within 200 feet of the Property. (Ex. 16-16A.)

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<sup>1</sup> The Applicant is the designated representative of the land owner, Howard University.

5. OZ published notice of the public hearing in the May 29, 2020, *D.C. Register* (67 DCR 5580), as well as on the calendar on OZ's website. (Ex. 15, 16A.)

### THE PROPERTY

6. The Property is located in the northwest quadrant of the District and consists of approximately 42,751 square feet of land area (approximately 0.98 acres).
7. The Property is bounded by 7<sup>th</sup> Street, N.W. on the east; S Street, N.W. on the south; a 10-foot-wide public alley on the west; and T Street, N.W. on the north. (Ex. 2.)
8. The Property is currently improved with a three-story office building. (Ex. 2.)
9. The Property is located on the west side of 7<sup>th</sup> Street, N.W., across the street from the Shaw-Howard University Metrorail station, and is also within 0.2 miles of 10 Metrobus routes. The Property is located within a pedestrian-oriented area with immediate proximity to transit, as indicated by its Transit Score of 83 (excellent transit) and a Walk Score of 98 (walker's paradise). (Ex. 2.)
10. The Property is bounded by the following zones:
  - The ARTS-2 zone – To the north and east, except for a planned unit development (“PUD”) (directly east) with a 6.3 floor area ratio (“FAR”) and a maximum 90-foot height, and which included a PUD-related rezoning to the ARTS/C-2-C zone by the Commission in Z.C. Case No. 07-07; and
  - The RF-1 zone – To the south and west.

### CURRENT ZONING

11. The Property is in the RF-zone, which provides for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted. (Subtitle E § 300.1.)
12. As a matter of right, the RF-1 zone requires/permits:
  - A 35-foot and 3-story maximum building height, not including the penthouse; (Subtitle E § 303.1.)
  - A 60% maximum lot occupancy (40% for structures other than detached, semi-detached, or row dwellings, flats, and places of worship); (Subtitle E § 304.1.)
  - A minimum lot width of 18 feet for a row dwelling or flat, 30 feet for a semi-detached dwelling; and 40 feet for all other structures; (Subtitle E § 201.1.)
  - A minimum lot area of 1,800 square feet for a row dwelling or flat (1,500 square feet with Inclusionary Zoning [“IZ”]), 3,000 square feet for a semi-detached dwelling, and 4,000 square feet for all other structures; and (Subtitle E § 201.1.)
  - Residential uses (including flats with a maximum of two dwelling units), boarding houses, corner stores, medical care uses, and child/elderly development centers. (Subtitle U § 301.)

**COMPREHENSIVE PLAN (Title 10A of the DCMR, the “CP”)**  
**Generalized Policy Map (the “GPM”)**

13. The CP’s GPM designates the Property as a Neighborhood Enhancement Area, defined as:

*[N]eighborhoods ... that are primarily residential in character, as well as mixed-use and industrial areas ... These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and, where appropriate, light industrial facilities. Land uses that reflect the historical mixture and diversity of each community and promote inclusivity should be encouraged. ...[N]ew development [should] respond[] to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land-use designation on the Future Land Use Map and with Comprehensive Plan policies. The unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected or enhanced as development takes place. ... New development in these areas should support neighborhood and city-wide housing needs, reduce crime and blight, and attract complementary new uses and services that better serve the needs of existing and future residents. (CP § 225.6-225.8.)*

**Future Land Use Map (“FLUM”)**

14. The CP’s FLUM designates the Property for Medium-Density Residential and Medium-Density Commercial uses, defined as:

- **Medium-Density Residential** –  
*“Neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas, Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, and other zones may also apply.”; and (CP § 227.7.)*
- **Medium-Density Commercial** –  
*“Shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply.” (CP § 227.12.)*

**Near Northwest Area Element**

15. The Property falls within the Near Northwest Area Element that calls for, among other things:
- The maintenance and enhancement of the “historic, architectural distinctive mixed density character of Near Northwest residential neighborhoods[,]”;
  - The enhancement of stable commercial areas;
  - The revitalization of neighborhood retail;
  - The production of affordable housing; and
  - A pedestrian-friendly environment. (CP § 2108.)
16. The Near Northwest Area Element locates the Property within the Shaw/Convention Center Area Policy Focus Area (the “Convention Center Focus Area”), which has the following goals:
- Generate new quality housing;
  - Revitalize local businesses;
  - Improve sidewalks and public space; and
  - Upgrade parks and public facilities. (CP § 2111.3.)

**Small Area Plans**

17. The Property is within the boundaries of two small area plans:
- The DUKE – Development Framework for a Cultural Destination District within Washington, DC’s Greater Shaw/U Street (the “DUKE SAP”); and
  - The Convention Center Strategic Development Plan (the “Convention Center SAP”).

***The DUKE SAP***

18. The DUKE SAP places the Property within the Howard Theatre Sub-District, which contemplates mixed-use redevelopment, including active ground-floor retail.
19. The DUKE SAP identifies the Property as an “other developable site” and recommends the demolition of the existing building on the Property in order to “allow mixed use redevelopment, including active, ground floor retail, which complement other proposed destination uses and optimized density.”

***The Convention Center SAP***

20. The Convention Center SAP was prepared to help the District and the community guide development to realize several key objectives, including:
- Generation of quality housing that will ensure that the community remains demographically diverse and offers a wide range of housing types; and
  - Strengthening neighborhood businesses by attracting new business in Shaw through capital investment that meets the needs of visitors and tourists and creates job opportunities and tax revenues for local services.
21. The Property is located within the Convention Center SAP’s Uptown Destination District sub-area, which is:

*“lined with ground floor shops, restaurants and clubs. Activity spills into the sidewalks, which are furnished with new trees, lights and public art. The upper level of some buildings within the Uptown Designation District are residential; the larger projects include affordable units.”*

22. The Convention Center SAP identifies the Property as a “priority development site” noting:
- The Property is a “potential site for high and medium density residential development” and a “preferred location of ground floor retail” along 7<sup>th</sup> Street, N.W.; and
  - The existing building on the Property is:
 

*“not an ideal use for its location, adjacent to a Metro station – and is architecturally insignificant; its current configuration fails to take advantage of its proximity to Metro, and ground floor ceiling heights are lower than desirable for retail; the site, on the west side of the 1800 block of 7<sup>th</sup> Street, is zoned R-4 and not consistent with the surrounding commercial zones.”*

## II. THE APPLICATION

### PROPOSED ZONING

23. The Application proposed to rezone the Property from the RF-1 zone to the ARTS-3 zone.
24. The purposes of the ARTS Districts are to:
- Encourage pedestrian activity, especially residential, retail, and entertainment uses;
  - Expand the area’s housing supply in a variety of rent and price ranges;
  - Expand business and job opportunities, and encourage development of residential and commercial buildings; and
  - Strengthen the design character and identity of the area by means of physical design standards. (Subtitle K § 800.1)
25. Specifically, the ARTS-3 zone is intended to permit medium-density, mixed-use development, with a focus on employment. (Subtitle K § 800.4.)
26. As a matter of right, the ARTS-3 zone permits/requires:
- A maximum density of 4.0 FAR (4.8 with IZ), of which no more than 2.5 FAR can be devoted to non-residential uses; (Subtitle K § 802;)
  - A maximum permitted height of 75 feet, subject to the following limitations:
    - No penthouse shall exceed a height of 83.5 feet above the measuring point used for the building; and
    - If a lot abuts either a R, RF, or RA zone or an alley that serves as the zone boundary line of an adjacent R, RF, or RA zone, no part of the building will project above a plane drawn at a 45-degree angle from a line located 50 feet directly above the property line that abuts the R, RF, or RA zone or the alley; (Subtitle K § 803.3.)
  - A maximum permitted occupancy of 75% for residential uses (80% with IZ); (Subtitle K § 804.1.)

- A minimum rear yard of two and one-half inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet; and (Subtitle K § 805.1)
- A minimum green area ratio (“GAR”) of 0.25. (Subtitle K § 808.1.)

#### **APPLICANT’S JUSTIFICATION OF RELIEF**

##### **Not Inconsistent with the CP**

27. The Application asserted that it was not inconsistent with the CP and with other adopted public policies and active programs applicable to the Property, as detailed below.

##### ***GPM***

28. The Application asserted that the Map Amendment would not be inconsistent with the GPM because:

- The Map Amendment will allow for the redevelopment of the Property with a mixed-use building that will be consistent with the heights and densities of existing density along 7<sup>th</sup> Street;
- The additional density will allow for the Property to support a range of uses, including multi-family residential and street-level retail; and
- The redevelopment of the Property will support nearby transit options, including Metrorail, and will also provide the opportunity for improvements to pedestrian facilities.

##### ***FLUM***

29. The Application asserted that the Map Amendment would not be inconsistent with the FLUM because:

- The ARTS-3 zone is intended to allow medium-density, mixed-use development;
- The ARTS-3 zone’s 4.0 FAR falls within the range of 1.8 to 6.0 included in the FLUM designation; and
- The ARTS-3 development standards fall within the maximums of the zones identified as being specifically consistent with the FLUM, including the MU-8 zone.

##### ***Near Northwest Area Element***

30. The Application asserted that the Map Amendment would direct more reinvestment into the Shaw neighborhood by facilitating the redevelopment of an infill site with new mixed-use development, including multi-family housing and local-serving retail while remaining consistent with the Convention Center Focus Area’s preference for residential uses due to the ARTS-3 zone’s 2.5 FAR cap on non-residential density, and furthering a number of specified area element policies.

##### ***Land Use Element***

31. The Application asserted that the Map Amendment would allow for the redevelopment of an underused infill site with new, mixed-use development, including multi-family housing, in a manner that reflects the character and scale of the surrounding development and

provides a transition zone between the lower-density RF-1 zone to the west and the ARTS-2 and higher-density PUD to the east while furthering a number of specified Land Use Element policies.

### ***Transportation Element***

32. The Application asserted that the Map Amendment would facilitate the redevelopment of the Property near a major District transit corridor and in accordance with current DDOT design principles and practices, including the implementation of Transportation Demand Management (“TDM”) plans and would further a number of specified Transportation Element policies.

### ***Housing Element***

33. The Application asserted that the Map Amendment would facilitate the redevelopment of the Property with new market-rate and affordable housing options in a “high opportunity” location, proximate to transit options and commercial corridors, thereby supporting the District’s housing goals and furthering a number of specified Housing Element policies.

### ***Environmental Protection Element***

34. The Application asserted that the Map Amendment would allow for the redevelopment of the Property with new buildings which would incorporate new energy-efficient building systems and technologies which would further the District’s energy efficiency goals and comply with the Green Building Act, in addition to furthering a number of specified Environmental Protection Element policies.

### ***SAPs***

35. The Application asserted that the Map Amendment would:
- Further the Convention Center SAP by facilitating the redevelopment of the underdeveloped Property, which is considered a “priority development site” with new high quality market-rate and affordable housing, and ground-floor retail use that would ensure that the surrounding neighborhood would remain economically diverse while also strengthening the local economy; and
  - Further the DUKE SAP, and the Howard Theater Sub-district by allowing for the redevelopment of the Property with mixed-use development including ground-floor retail which will complement other nearby “destination uses.”

### ***Community Outreach***

36. The Applicant stated that it met with the following groups regarding the Map Amendment:
- The Howard Community Advisory Committee, which the Applicant stated supported the Map Amendment; and
  - The Parent Teacher Association for Cleveland Elementary School, which is located immediately west of the Property, to discuss potential impacts of the eventual redevelopment of the Property. (Ex. 23.)



**Public Hearing Testimony**

37. At the July 14, 2020, public hearing the Applicant presented its case, including testimony from:
- Mr. Derrek Niec-Williams, Executive Director of Campus Planning, Architecture, and Development at Howard University; and
  - Mr. Shane Dettman, Director of Planning Services, Holland & Knight LLP, whom the Commission has recognized as an expert in zoning and land use planning.

**III. RESPONSES TO THE APPLICATION****OP REPORTS AND TESTIMONY**

38. OP submitted a February 14, 2020, report recommending that the Commission set down for a public hearing the Applicant's request for a Zoning Map amendment (the "OP Setdown Report") and concluding that the Map Amendment would not be inconsistent with the CP because: (Ex. 12.)
- **GPM** – The Map Amendment would allow for the redevelopment of the Property with mixed-use development including residential uses above ground-floor retail;
  - **FLUM** – The ARTS-3 zone can be considered a medium-density commercial zone when considering the overall densities permitted under the Zoning Regulations in relation to the Framework Element of the CP. The existing RF-1 zoning of the Property is inconsistent with the FLUM designation due to its location along a transit-rich, mixed-use corridor which would support future development;
  - **Near Northwest Area Element** – The Map Amendment would allow for the replacement of an office building with mixed-use development that would provide housing and service uses for nearby residents, thereby contributing more to the identity and quality of the neighborhood;
  - **Convention Center Focus Area** – the Map Amendment would allow for the redevelopment of an underutilized property with new mixed-use development that would provide housing, retail, and a "continuous pedestrian experience" along the 7<sup>th</sup> Street corridor;
  - **Land Use Element** – The Map Amendment would allow for the redevelopment of the Property with new multi-family housing, including affordable units, and ground-floor retail across from the Shaw-Howard University Metrorail station, which would continue the revitalization of the Shaw neighborhood;
  - **Housing Element** – The Map Amendment would permit the development of additional housing density, including affordable housing, near Metrorail and the 7<sup>th</sup> Street/Georgia Avenue Corridor; and
  - **SAPs** - The Property is a "target location" in both the DUKE and Convention Center SAPs for higher-density development, including a mix of retail and residential uses, than what would be permitted under the existing RF-1 zoning.
39. OP submitted a May 4, 2020, report that largely reiterated the OP Setdown Report's conclusions, and recommended approval of the Map Amendment. (Ex. 14.)
40. At the public hearing, OP reiterated its support for the Application as detailed in OP reports.

**DDOT REPORT**

41. DDOT submitted a June 30, 2020, report (the “DDOT Report”) stating that it had no objection to the Application because: (Ex. 19.)
- DDOT’s conclusion that the proposed rezoning would likely not lead to a significant increase in the number of peak-hour vehicle trips on the District’s transportation network if developed with the most intense matter-of-right uses;
  - DDOT strongly encouraged the minimization of any off-street parking on the Property due to the proximity to the Shaw-Howard Metro station;
  - DDOT expected that all loading, trash pick-up, and vehicle parking will take place from the 10-foot public alley in the rear of the Property; and
  - DDOT expected the Applicant to continue to coordinate with DDOT through the permitting process for any future development proposals in order to minimize any transportation network impacts caused by the increased matter-of-right density possible on the Property.
42. DDOT did not provide testimony at the public hearing.

**ANC REPORTS AND TESTIMONY**

43. ANC 1B submitted a December 9, 2019, resolution (the “ANC 1B Report”) stating that at its properly noticed public meeting of May 12, 2019, at which a quorum was present, the ANC voted in support of the Application and expressed no issues or concerns with the Map Amendment. (Ex. 11.)
44. ANC 6E submitted a July 12, 2020, resolution (the “ANC 6E Report”) stating that at its properly noticed meeting of May 5, 2020, at which a quorum was present, the ANC voted in opposition to the Application. (Ex. 22.) The ANC 6E Report raised the following issues and concerns:
- **Parking** – The increased density under the Map Amendment would adversely affect current neighborhood residents’ ability to use on-street Residential Permit Parking (“RPP”) areas that are already limited by illegal non-RPP parking, which the ANC believed could be addressed by barring residents of the future development of the Property from participating in the RPP program; and
  - **Alley congestion** – The increased density under the Map Amendment would adversely affect current neighborhood residents’ ability to use the northern portion of the existing 10-foot alley, which the ANC believe could be addressed by requiring the Applicant to widen that northern portion to the 20-foot width of the rest of the alley.
- The ANC objected to the Applicant’s decision to not pursue a PUD, which would have provided more opportunities for participation by the ANC and public. The ANC noted that while it understood that the Commission was not able to impose conditions under the map amendment process, that the ANC could not support an application when “the applicant refuses to address the ANC’s legitimate concerns about a proposed development” and designated Commissioner Alexander Padro, Single Member District 6E01, to represent the ANC before the Commission.

45. ANC 6E01 Commissioner Padro testified at the July 14, 2020 public hearing and reiterated the ANC's opposition to the Map Amendment, particularly the concerns regarding transportation issues and the inability to reach a final agreement with the Applicant addressing community concerns. (July 14, 2020 Public Hearing Transcript at 36-40.)

#### **PERSONS IN SUPPORT**

46. One public witness testified at the public hearing in support of the Map Amendment: Mr. Nicholas Smith, who resides at 711 S Street, N.W., which is located directly west of the public alley that abuts the Property.

#### **PERSONS IN OPPOSITION**

47. The French Street Neighborhood Association submitted a letter in opposition to the Map Amendment because of concerns about the impacts to parking, future traffic congestion, and widening of the alley adjacent to the Property. (Ex. 25.)
48. No one testified in opposition to the Map Amendment at the public hearing.

#### **National Capital Planning Commission ("NCPC")**

49. The Commission referred the Application to the National Capital Planning Commission ("NCPC") on July 16, 2020, for the 30-day review period required by § 492(b)(2) of the District Charter. (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2); D.C. Official Code 6-641.05.)
50. NCPC filed a September 2, 2020, report stating that NCPC had determined, pursuant to delegated authority, that the Map Amendment was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests. (Ex. 28.)

#### **CONCLUSIONS OF LAW**

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797 ch. 534; D.C. Official Code § 6-641.01 *et seq.* (2012 Repl.)) (the "Zoning Act") authorizes the Commission to create zones within which the Commission may regulate the construction and use of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital."
2. Section 2 of the Zoning Act (D.C. Official Code § 6-641.02) further provides that:

*Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety,*

*transportation, prosperity, protection or property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.*

3. Pursuant to Subtitle X § 500.3, the Commission shall find that the map amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the Property.

**NOT INCONSISTENT WITH THE COMPREHENSIVE PLAN (SUBTITLE X § 500.3)**

4. The Commission concludes, based on the filings and testimony of the Applicant and OP, that the Map Amendment from the RF-1 zone to the ARTS-3 zone is not inconsistent with the CP in its entirety, including all CP maps and elements, and will advance a number of CP Elements as discussed below.

**GPM**

5. The Commission concludes that the Map Amendment is not inconsistent with the GPM's designation of the Property as a Neighborhood Enhancement Area because:
  - The Map Amendment will facilitate redevelopment of the underutilized Property in a manner that responds to and is consistent with the heights and densities of neighboring development along 7<sup>th</sup> Street, N.W.;
  - The development permitted by the Map Amendment will enhance the existing character of the surrounding neighborhood by facilitating medium-density, mixed-use development along the 7<sup>th</sup> Street, N.W. commercial corridor;
  - New development under the ARTS-3 will support neighborhood and city-wide housing needs and attract complementary new ground-floor retail and service uses that better serve the needs of existing and future residents; and
  - The provision of ground-floor retail and service uses near Metrorail and other transit options will encourage pedestrian traffic and facilitate improvements to the pedestrian space surrounding the Property. (Findings of Fact ["FF"] 13, 28, 38.)

**FLUM**

6. The Commission concludes that the Map Amendment is not inconsistent with the Property's Medium-Density Residential and Medium-Density Commercial FLUM designation because:
  - The ARTS-3 Zone is intended to allow medium-density, mixed-use development;
  - The ARTS-3 zone's maximum 4.0 FAR (4.8 FAR with IZ) falls within the 4.0-6.0 FAR range of Medium-Density Commercial FLUM category and the 1.8-4.0 FAR range of Medium-Density Residential FLUM category;

- The ARTS-3 zone’s development parameters fall within those of the MU-8 zone that the CP identifies as “consistent” with the Medium-Density Commercial FLUM designation; and
- The Map Amendment will achieve greater compatibility with the envisioned density and uses for the Property than the current RF-1 zoning for the Property which is substantially below the anticipated density for this FLUM designation. (FF 14, 29, 38.)

#### **Near Northwest Area Element**

7. The Commission concludes that the Map Amendment furthers the area element and in particular the policies of the Convention Center Focus Area because:
  - It will facilitate development that will maintain and enhance the Shaw neighborhood by directing growth to Shaw, through the production of new market-rate and affordable housing and revitalization neighborhood commercial retail uses along 7<sup>th</sup> Street, N.W.;
  - The ARTS-3 zone’s cap on non-residential FAR will ensure mixed-use development with an emphasis on housing consistent with the Convention Center Focus Area’s preference for residential uses;
  - It will allow for the development of ground-floor retail uses which will help foster associated public space improvements that will enhance the pedestrian experience along the 7<sup>th</sup> Street, N.W. and integrate the Property into the 7<sup>th</sup> Street commercial corridor. (FF 15, 16, 30, 38.)

#### **Land Use Element**

8. The Commission concludes that the Map Amendment furthers this Element because:
  - The increased density permissible under the ARTS-3 zone will support new, infill multifamily development near the Shaw-Howard University Metrorail Station on land that is currently underutilized; and
  - It will allow for heights and densities that are more consistent with the surrounding neighborhood, due in part to the penthouse and setback requirements of the ARTS-3 zone which will provide a transition area between the lower-density zones to the west and the higher density zones, including the approved PUD, to the east. (FF 31, 38.)

#### **Transportation Element**

9. The Commission concludes that the Map Amendment furthers this element as it will facilitate the redevelopment of the Property with transit-oriented development, including housing. In addition, the Commission credits the conclusions of the DDOT report that the Map Amendment will not result in undue adverse impacts to the surrounding transportation network. (FF 32, 41.)

#### **Housing Element**

10. The Commission concludes that the Map Amendment furthers this element because it will allow the Property to be redeveloped with new market-rate and affordable housing to help meet the needs of present and future District residents. Consistent with the Mayor’s housing initiative, the ARTS-3 zone will allow for greater amounts of new housing in a “high opportunity” location. (FF 33, 38.)

**Environmental Protection Element**

11. The Commission concludes that the Map Amendment furthers this element because it enables future redevelopment of the Property that will incorporate energy-efficient systems to reduce energy use, and which will comply with the Green Building Act. (FF 34.)

**SAPs**

12. The Commission concludes that the Map Amendment is not inconsistent with the recommendations of the DUKE SAP because Map Amendment will facilitate new mixed-use development including ground floor retail and upper floor residential on an underutilized site that will be compatible with the surrounding Shaw neighborhood, and specifically the Howard Theatre Sub-District. (FF 18, 19, 35, 38.)
13. The Commission concludes that the Map Amendment will enable the exact type of development envisioned for the Property by the Convention Center SAP because:
- The Map Amendment will allow for medium-density residential development including new housing and affordable housing on an underutilized site; and
  - Redevelopment of the Property also has the potential to expand ground floor retail in a location that reinforces a traditional main street pattern of commercial development and creates a unified identity for the community. (FF 20-22, 35, 38.)

**“GREAT WEIGHT TO THE RECOMMENDATIONS OF OP**

14. The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
15. The Commission concludes that OP’s reports, which provided an in-depth analysis of the proposed map amendment, are persuasive and concurs with OP’s recommendation that the Property be rezoned, as discussed above.

**“GREAT WEIGHT” TO THE ANC REPORTS**

16. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

17. Although the ANC 1B Report did not express any legally relevant issues or concerns to which the Commission can give great weight, the Commission notes ANC 1B’s support for the Map Amendment and concurs in that judgement. (FF 43.)
18. The Commission does not find the issues and concerns raised by the ANC 6E Report persuasive for the following reasons:
  - **Parking** -- The Commission finds persuasive the DDOT Report’s: (i) determination that the Map Amendment is not likely to lead to a significant increase in the number of peak hour vehicle trips on the District’s transportation network; and (ii) recommendation to minimize vehicle parking on-site due to the proximity to the Shaw-Howard Metro station. The Commission therefore concludes that restricting RPP eligibility for future residents/occupants of the Property is not warranted; and
  - **Alley Congestion** – The Commission finds persuasive the DDOT Report’s: (i) determination of the limited transportation impacts of the Map Amendment; and (ii) expectation that the existing 10-foot alley would handle the loading, trash pick-up, and vehicle parking for the Property without changes. The Commission therefore concludes that requiring the Applicant to widen the alley is not warranted. (FF 44.)
19. The Commission acknowledges ANC 6E’s frustration that the Applicant chose to pursue a Map Amendment instead of a PUD in which the ANC would have had a more defined role, but notes that PUDs and map amendments are different zoning mechanisms for establishing the development parameters of a particular site and that an applicant has the right to choose to pursue a map amendment or PUD, as the ANC 6E Report acknowledged. As a map amendment, the Application is not a proposal for a specific project but instead a request to change the zoning designation for an area and thereby establish the parameters for future development projects. In evaluating a map amendment, the Commission only considers the appropriateness of the requested zoning based on its consistency with the CP as a whole, including its maps and elements. (FF 44.)

**DECISION**

In consideration of the record for Z.C. Case No. 19-28 and the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application to amend the Zoning Map as follows:

SQUARE	LOT	MAP AMENDMENT
417	53 and 54	RF-1 to ARTS-3

**Proposed Action**

**Vote (July 14, 2020):**                      **5-0-0**      (Peter A. Shapiro, Robert E. Miller, Anthony J. Hood, Peter G. May and Michael G. Turnbull to **APPROVE**)

**Final Action**

**Vote (September 14, 2020): 5-0-0** (Peter G. May, Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Z.C. Order No. 19-28 shall become final and effective upon publication in the *D.C. Register*; that is on January 15, 2021.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS THE D.C. HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (THE "ACT"). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE 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. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.



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